

52

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MR. DERRICK LEE CARDELLO-SMITH #267008,
PARALEGAL-LEGAL ASSISTANT-LEGAL WRITER,
WRONGFULLY CONVICTED PRISONER,
PROBABLE CAUSE CONFERENCE LITIGATOR,
PATRICIA LEE THOMPSON, Wayne County Citizen, Taxpayer,
ON BEHALF OF INTERESTED CITIZENS AND TAXPAYERS OF WAYNE COUNTY,
FOR ALL SIMILARLY EFFECTED TAXPAYERS AND CITIZENS
Plaintiffs,

-Vs-

Case: 2:23-cv-13209
Assigned To : Grey, Jonathan J.C.
Referral Judge: Grand, David R.
Assign. Date : 12/15/2023
Description: PRIS DERRICK CARDELL-SMITH V PUBLIC
INTEGRITY UNIT ET AL (SS)

PUBLIC INTEGRITY UNIT, Wayne County Prosecutors Office,
JOSEPH P. JANSEN (P48906), Public Integrity Unit Officer,
WAYNE COUNTY BUDGET & MANAGEMENT DIVISION,
MANAGEMENT & BUDGET DIVISION OF WAYNE COUNTY,
SPECIAL OPERATIONS DIVISION OF WAYNE COUNTY,
WAYNE COUNTY Sheriff's DEPARTMENT JAIL TRANSPORTATION STAFF
WAYNE COUNTY SHERIFFS DEPARTMENT JAIL HOUSING ADMINISTRATOR,-
WARREN C. EVANS, Executive of Wayne County
WAYNE COUNTY CORPORATION COUNSEL,
KRISTOFFER BUTLER, Wayne County Corporation Counsel,
PATRICIA PENMAN, Wayne County Sheriff's Deputy,
PATRICIA PENMAN, Dearborn Height, Dearborn Police Officer,
PATRICIA PENMAN, Lead Investigator, Public Integrity Unit,
PATRICIA PENMAN, Investigator for Wayne County Prosecutors Office,
PATRICIA PENMAN, Coconspirator with Carl Carpenter,
PATRICIA PENMAN, Payee of Money to Carl Carpenter for False Testimony,
CARLI BOIKE DIPIOLA-CARPENTER, Coconspirator,-
CARLI CARPENTER, Coconspirator with Patricia Penman, -5615 Fairgrove Road,
CARLI CARPENTER, Recipient of Public Funds for False Rape Testimony,
KYM L. WORTHY (P38875), Wayne County Prosecutor,
KIM (KYM) L. Worthy (P38875), Director of the Public Integrity Unit,
DEYANA UNIS (P91361), Assistant Wayne County Prosecutors Office Representative-Agent,
DEYANA UNIS (P81361) Assistant United States Attorney,
Defendants,

(1)

1


POOR QUALITY ORIGINAL


**COMPLAINT FOR CIVIL ACTION AND CRIMINAL ACTION
FOR VIOLATIONS OF UNITED STATES CODE © 18 USC 371
AND 18 USC © 31 SEC 641 AND PENAL CODE 424 THROUGH JOINT CONSPIRACY
BY DEFENDANTS INDIVIDUALLY & JOINTLY TO MISAPPROPRIATE PUBLIC FUNDS
THROUGH A CONSPIRACY AND THROUGH A CRIMINAL ENTERPRISE AND FOR
THE CONTINUED PURPOSE OF USING THEIR OFFICE AND LEGAL AUTHORITY TO
OBTAIN TAXPAYER DOLLARS & FILTER SAID MONEYS THROUGH THE CRIMINAL
JUSTICE SYSTEM IN A VAST ENTERPRISE TO SECURE ALL INVESTIGATIONS &
TO STOP ALL ALLEGATIONS OF POLICE MISCONDUCT INTO SAID BAD ACTS**

Now comes the Plaintiffs Derrick Lee Cardello-Smith, #267009, Paralegal-Legal Assistant-Legal Writer-Probable Cause Conference Litigator-Wrongfully Convicted Prisoner, Citizen, Former Taxpayer, Wayne County Resident, and Patricia Lee Thompson, Citizen, Taxpayer, Wayne County Resident, on Behalf of the Citizens of Wayne County, and Taxpayers of Wayne County, and all those Similarly Situated and hereby brings this Civil and Criminal Complaint against the Named Defendants Individually and Jointly and makes the Claims that the Defendants have Violated very specific Civil and Criminal Elements of the United States Codes and Penal Codes in the Furtherance and Sole Purpose of Securing Funds and Misappropriating Public Funds that for their own personal gain, personal interests and the Interests of Their Own Gain and to Result in the Illegal, WRONGFUL INVESTIGATION AND VIOLATION OF THE PLAINTIFFS RIGHTS of This Plaintiff and Other Similarly Situated Plaintiffs that have been the victims of the Defendants actions where the acts described within the Brief in Support of the Complaint detail and are detailed and specifically used by the Defendants to operate and continue their criminal enterprise for the sole purpose of being able to Prosecute Innocent Citizens and Then Get the Investigation Stopped upon proof of the said corruption being founds and maintained by stopping said investigation into said illegal police misconduct.

Plaintiffs will detail said documents in the forthcoming Brief in Support of the Complaint.

Respectfully Yours,


DERRICK LEE CARDELLO-SMITH
#267009-PLAINTIFF IN PRO PER
PARALEGAL-LEGAL ASSISTANT
PROBABLE CAUSE CONFERENCE
LITIGATOR-RESIDENT OF WAYNE
COUNTY-IONIA CORRECTIONAL
FACILITY-1576 W. BLUEWATER HWY.
IONIA, MI 48846

December 4, 2023

PATRICIA LEE THOMPSON
PLAINTIFF IN PRO PER
CITIZEN-TAXPAYER-RESIDENT
23751 BROWNSTOWN SQUARE
APT # 204
BROWNSTOWN TOWNSHIP, MI 48174

ADDRESS OF ALL DEFENDANTS

PUBLIC INTEGRITY UNIT, Wayne County Prosecutors Office,-1441 St. Antoine Street, Detroit, MI 48226

JOSEPH P. JANSEN (P48906), Public Integrity Unit Officer,1441 St. Antoine Street, Detroit, MI 48226

WAYNE COUNTY BUDGET & MANAGEMENT DIVISION,-500 Griswold Street, Detroit, MI 48226

MANAGEMENT & BUDGET DIVISION OF WAYNE COUNTY,-500 Griswold Street-Detroit, MI 48226

SPECIAL OPERATIONS DIVISION OF WAYNE COUNTY,500 Griswold Street-Detroit, MI 48226

WAYNE COUNTY SHERIFFS DEPARTMENT JAIL TRANSPORTATION STAFF,2727 Woodward Avenue-48202-26

WAYNE COUNTY SHERIFFS DEPARTMENT JAIL HOUSING ADMINISTRATOR,-2727 Woodward Avenue-Detroit,MI 48202-26

WARREN C. EVANS, Executive of Wayne County-500 Griswold Street-Detroit, MI 48226

WAYNE COUNTY CORPORATION COUNSEL,-500 Griswold Street-Detroit, MI 48226

KRISTOFFER BUTLER, Wayne County Corporation Counsel,-500 Griswold Street-Detroit, MI 48226

PATRICIA PENMAN, Wayne County Sheriff's Deputy,-2727 Woodward Avenue-Detroit, MI 48226

PATRICIA PENMAN, Dearborn Height, Dearborn Police Officer,-16099 Michigan Avenue, Dearborn,MI 48126

PATRICIA PENMAN, Lead Investigator, Public Integrity Unit,-1441 St. Antoine Street-Detroit, MI 48226

PATRICIA PENMAN, Investigator for Wayne County Prosecutors Office,-1441 St. Antoine Street-Detroit, MI 48226

PATRICIA PENMAN, Coconspirator with Carl Carpenter,-1441 St. Antoine Street-Detroit, MI 48226

PATRICIA PENMAN, Payee of Money to Carl Carpenter for False Testimony,-1441 St. Antoine Street-Detroit, MI 48226

CARLI BOIKE DIPIOLA-CARPENTER, Co-Conspirator,-5615 Fairgrove Road, Fairgrove Michigan 48753

CARLI CARPENTER, Coconspirator with Patricia Penman,-5615 Fairgrove Road, Fairgrove,MI 48753

CARLI CARPENTER, Recipient of Public Funds for False Rape Testimony,-5615 Fairgrove Road, Fairgrove, MI 48753

KYM L. WORTHY (P38875), Wayne County Prosecutor-1441 St. Antoine Street-Detroit,MI 48226

KIM (KYM) L. Worthy (P38875), Director of the Public Integrity Unit,-1441 St. Antoine Street-Detroit, MI 48226

DEYANA UNIS (P91361), Assistant Wayne County Prosecutor's Office-1441 St. Antoine Street-Detroit, MI 48226

DEYANA UNIS (P81361) Assistant US Attorney,-Four Seagate-308, Toledo, OHIO 43604

CAPACITY DEFENDANTS SUED IN

All defendants are Sued in their INDIVIDUAL AND OFFICIAL CAPACITY

JURISDICTIONAL STATEMENT

The Eastern District of Michigan has Sole Jurisdiction over this case for the following Reasons:

1. The Defendants are all BASED AND WORK IN THE COUNTY OF WAYNE WHICH IS IN THE EASTERN DISTRICT OF MICHIGAN.

2. DEFENDANT DEYANA UNIS OPERATED IN HER CAPACITY AT THE TIME OF THE FUNDS OPERATIONS AND MISAPPROPRIATIONS VIOLATIONS IN WAYNE COUNTY WHICH IS IN THE DISTRICT OF MICHIGAN-EASTERN.

3. Defendant CARLI CARPENTER, COMMITTED THE ACTS OF THE FALSE TESTIMONY IN WAYNE COUNTY and that is in the EASTERN DISTRICT OF MICHIGAN.

4. Plaintiff PATRICIA LEE THOMPSON RESIDES IN WAYNE COUNTY and that is the Sole Jurisdiction of the EASTERN DISTRICT OF MICHIGAN.

5. Plaintiff DERRICK LEE CARDELLO-SMITH WAS TAKEN TO WAYNE COUNTY FOR THE MISUSE AND MISAPPROPRIATION OF PUBLIC FUNDS AND SAID ACTIONS OCCURRED IN WAYNE COUNTY WHICH IS IN THE EASTERN DISTRICT OF MICHIGAN.

6. Plaintiff was in fact a Resident of Wayne County During the Time of the Acts claimed by the Plaintiffs against the defendants.

7. The DISCOVERY OF THE ILLEGAL ACTS TOOK HAPPENED In NOVEMBER 2022 WHEN A FREEDOM OF INFORMATION ACT REQUESTED WAS COMPLETED BY LAWYERS AND RESEARCH STAFF OF THE LAW OFFICES OF DAVID LMOFFITT AND THOSE DOCUMENTS WERE PROVIDED TO THE PLAINTIFF IN NOVEMBER 2022, UPON THEIR RECEIPT OF THE DOCUMENTS FROM THE WAYNE COUNTY PROSECUTORS OFFICE AND THE ACTS WERE DISCOVERED AS HAVING BEEN COMMITTED BY THE DEFENDANTS ALL NAMED IN THIS ACTION AND AS SUCH, THE JURISDICTION OF THE EASTERN DISTRICT OF MICHIGAN IS CONFERRED WITHIN THIS COURTS LEGAL AUTHORITY.

8. Plaintiff Resides in Ionia by Force and Not Choice and IT IS NOT SUBJECT TO ANY TRANSFER OF THE CASE TO THE WESTERN DISTRICT OF MICHIGAN AS THAT THESE ACTS OCCURRED IN WAYNE AND THE EASTERN DISTRICT AND THE WESTERN DISTRICT JUDGES ALWAYS RULE AGAINST THE PLAINTIFF NO MATTER WHAT IT IS AND THESE CRIMINAL AND CIVIL ACTS SHOULD ONLY BE ALLOWED TO REMAIN IN THE JURISDICTION OF THE EASTERN DISTRICT OF MICHIGAN.

9. Plaintiff maintains that all jurisdiction of this case must and does remain in the jurisdiction of the Eastern District of Michigan.

AMOUNT OF DAMAGES SOUGHT

Plaintiffs Seek a total of ~~\$200,000,000.00~~ **(TWO HUNDRED MILLION DOLLARS)** in COMPENSATORY, PUNITIVE AND MONETARY DAMAGES and that ALL MONEYS ARE RETURNED BACK TO THE TAXPAYERS AND CITIZENS OF WAYNE COUNTY.

(4)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**MIR. DERRICK LEE CARDELLO-SMITH #267009,
PARALEGAL-LEGAL ASSISTANT-LEGAL WRITER,
WRONGFULLY CONVICTED PRISONER,
PROBABLE CAUSE CONFERENCE LITIGATOR,
PATRICIA LEE THOMPSON, Wayne County Citizen, Taxpayer,
ON BEHALF OF INTERESTED CITIZENS AND TAXPAYERS OF WAYNE COUNTY,
FOR ALL SIMILARLY EFFECTED TAXPAYERS AND CITIZENS**

Plaintiffs,

Case No: _____

Hon: _____

-Vs-

US District Court Judge

MAG: _____

**PUBLIC INTEGRITY UNIT, Wayne County Prosecutors Office,
JOSEPH P. JANSEN (P48906), Public Integrity Unit Officer,
WAYNE COUNTY BUDGET & MANAGEMENT DIVISION,
MANAGEMENT & BUDGET DIVISION OF WAYNE COUNTY,
SPECIAL OPERATIONS DIVISION OF WAYNE COUNTY,
WAYNE COUNTY Sheriff's DEPARTMENT JAIL TRANSPORTATION STAFF
WAYNE COUNTY SHERIFFS DEPARTMENT JAIL HOUSING ADMINISTRATOR,-
WARREN C. EVANS, Executive of Wayne County
WAYNE COUNTY CORPORATION COUNSEL,
KRISTOFFER BUTLER, Wayne County Corporation Counsel,
PATRICIA PENMAN, Wayne County Sheriff's Deputy,
PATRICIA PENMAN, Dearborn Height, Dearborn Police Officer,
PATRICIA PENMAN, Lead Investigator, Public Integrity Unit,
PATRICIA PENMAN, Investigator for Wayne County Prosecutors Office,
PATRICIA PENMAN, Coconspirator with Carl Carpenter,
PATRICIA PENMAN, Payee of Money to Carl Carpenter for False Testimony,
CARLI BOIKE DIPIOLA-CARPENTER, Coconspirator,-
CARLI CARPENTER, Coconspirator with Patricia Penman, -5615 Fairgrove Road,
CARLI CARPENTER, Recipient of Public Funds for False Rape Testimony,
KYM L. WORTHY (P38875), Wayne County Prosecutor,
KIM (KYM) L. Worthy (P38875), Director of the Public Integrity Unit,
DEYANA UNIS (P91361), Assistant Wayne County Prosecutors Office Representative-Agent,
DEYANA UNIS (P81361) Assistant United States Attorney,
Defendants,**

/

PROOF OF SERVICE

(5)

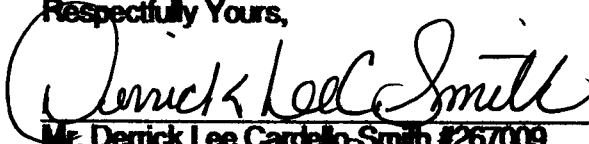
5.

I swear and declare that I mailed one copy of this Action to the Defendants at their address above PRIOR TO FILING THE COMPLAINT FOR CIVIL/CRIMINAL ACTION by using the Methods of CERTIFIED MAILED, RETURN RECEIPT REQUESTED AND RESTRICTED DELIVERY by placing said SUMMONS AND COMPLAINT In envelopes and Mailing to EACH DEFENDANT IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY and by Mailing to the Agent of that Party and Person Named as a Party to the Above cause and by Mailing to said Defendants at their ADDRESSED OF RECORD AND THIS BEING DONE ON THE DATE OF DECEMBER 4, 2023 MONDAY IN THE IONIA COUNTY CORRECTIONAL FACILITY for Mailing of said Pleadings to those Individually Addresses Defendant and in order to Ensure that EACH DEFENDANT IS GIVEN NOTICE OF THE SUMMONS AND THE COMPLAINT AND PRIOR TO FILING IT IN THE U.S. DISTRICT COURT.

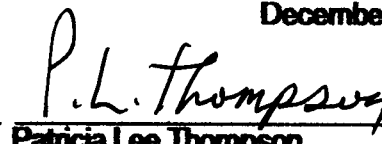
This is being done in respect to and in conjunction with ALL RULES OF SERVICE UPON THE DEFENDANTS AND IN ACCORDANCE WITH THE RULES OF SERVICE FOR THE STATE OF MICHIGAN.

Respectfully Yours,

December 4, 2023



Mr. Derrick Lee Cardello-Smith #267009
Plaintiff in Pro Per
Ionia Correctional Facility
1576 W. Bluewater Highway
Ionia, MI 48846



Patricia Lee Thompson
Plaintiff in Pro Per
23751 Brownstown Square
Apt # 204
Brownstown Township, MI 48174

The Claims against each defendant are detailed in the Accompanying Brief in Support and Request for Investigation into the Defendants, attached to this Summons and Complaint.

DEMAND FOR A JURY TRIAL

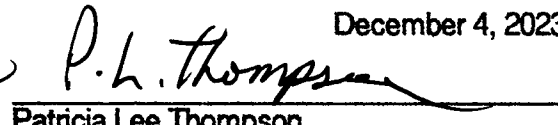
Plaintiffs Jointly Request and DEMAND A JURY TRIAL and that the Jury Trial is in Fact Conducted in the Jurisdiction of the Eastern District of Michigan and that it is conducted in front of a Jury of the Plaintiffs Peers, as Guaranteed by the Constitution of the United States and in accordance with the laws and Rules of Federal Civil Procedure.

Thank you,

December 4, 2023



Derrick Lee Cardello-Smith
Plaintiff in Pro Per
267009
1576 W. Bluewater Highway
Ionia, MI 48846



Patricia Lee Thompson
Plaintiff in Pro Per
23751 Brownstown Square
Apt # 204
Brownstown Township, MI 48174

**PROFESSIONAL MISCONDUCT, VIOLATIONS OF MICHIGAN
COMPILED LAW, VIOLATION OF RULES AND CANONS OF
PROFESSIONAL CONDUCT, DILIBERATE ETHICS VIOLATIONS,
WILLFUL-WONTON-INTENTIONAL-DILIBERATE VIOLATIONS OF
COMPLAINANTS STATE AND FEDERAL CONSTITUTIONAL RIGHTS
AS GUARANTEED BY THE 14TH AMENDMENT**

STATEMENT OF FACTS

Deyana Unis, while acting in her official capacity as an Assistant Prosecuting Attorney as employed by Kym (Kim) L. Worthy elected Wayne County Prosecuting Attorney, did contrary to Michigan Compiled Law commit acts upon Complainant Derrick Lee Cardello-Smith the following described acts:

1. SUBORN PERJURY TO OBTAIN A CRIMINAL CONVICTION, of Complainant where Attorney Unis was made aware by her client, Carli Boike Dipiola-Carpenter, in 2018 that she did not wish to proceed in the criminal prosecution of the complaint lodged with the Detroit Police Department in October 1997 because no sexual assault, physical assault or any other related act contrary to any Michigan Law or statute had been committed upon her person by Complainant, Derrick Lee Cardello-Smith.
2. It was only after Carli Carpenter received \$4,000.00 in payment from Lead Investigator PATRICIA PENMAN in 2018 that she agreed to proceed with the criminal prosecution.
3. SOLICITATION OF TESTIMONY BY PATRICIA PENMAN AND DEYANA UNIS TO OBTAIN CRIMINAL CONVICTION, under the threat from Deyana Unis to charge Carli Carpenter with the filing of a false report and Ms. Carpenter informing Deyana Unis and Penman of her need for money and drugs did the parties agree on a \$4,000.00 payment to proceed criminally against Cardello-Smith.
4. VERIFICATION OF PAYMENT BY LEAD INVESTIGATOR PATRICIA PENMAN TO CARLI CARPENTER FOR FALSE TESTIMONY. The attached report verifies that Patricia Penman met with and provided Carli Carpenter \$4,000.00 in exchange for her testimony against Complainant Cardello-Smith.
5. DEYANA UNIS VIOLATED MCR 6.201B5 "ANY OTHER AGREEMENT", in failing to disclose her knowledge of this payment made to Carli Carpenter as proven by the Wayne County Prosecutors office possession of said attached report kept by Deyana Unis during the criminal proceedings against Complainant from the time period of December, 2018 through sentence date of May 2, 2019, and released only through a Freedom of Information Act Request in October, 2022 through the Law Offices of David Moffitt and Associates as verified by attached letter. This has resulted in Attorney Unis committing Professional Misconduct and Prosecutor Neglect.
6. 16TH JUDICIAL CIRCUIT COURT OF MACOMB COUNTY CASE #2023-001466-CK CONTAINING ADMISSION OF ADMITTING CRIMINAL PERJURY OF ATTORNEY


UNIS'S CLIENT CARLI CARPENTER TO OBTAIN WRONGFUL CONVICTION IN WAYNE COUNTY CIRCUIT COURT'S CRIMINAL DIVISION. Complainant Cardello-Smith, while the Defendant in Criminal Case #2019-000756-01-FC and representing himself, in the case prosecuted by Attorney Deyana Unis (See People of State of Michigan v Derrick Lee Cardello-Smith 2019) was contacted via U.S. Mail by Carli Carpenter regarding her testimony in said criminal case. During which time, Complainant Cardello-Smith and Carli Carpenter entered into a Settlement Agreement in the Macomb County Circuit Court (see Derrick Lee Cardello-Smith v Carli Boike Dipiola-Carpenter case no 2023-001466-CK, August 2023), during said court proceedings now Defendant Carpenter made multiple admissions under oath to the following:

- a. Filing a false Police Report of criminal sexual conduct upon her person by Complainant Cardello-Smith on 10/12/1997,
 - b. Admitting to accepting payment of \$4,000.00 from Deyana Unis's Team,
 - c. Admitted perjured testimony in criminal case against Complainant,
 - d. Admitted lying to Mr. Carpenter about criminal sexual conduct by Complainant Cardello-Smith in order to save marriage,
 - e. Admitted severe drug use during testimony in criminal court against Cardello-Smith,
 - f. Admitted contact with Cardello-Smith about activities described in criminal case as weighing on her conscious,
 - g. Admitted to Contractual Agreement between Cardello-Smith and Carpenter involving money for clean and sober living away from husband, transportation arrangements, new residence, money to cover home expenses and offset Peer Support Specialist expenses and reimbursing Cardello-Smith his \$5,000.00 in order to provide true and accurate testimony in the criminal court without the threat of being charged with filing a false police report,
 - h. Admitted to rehearsed, coached, pre-prepared statements, testimony and victims impact summaries provided to Ms. Carpenter by Patricia Penman with full support of Deyana Unis in the entire criminal proceedings in the 36th District Court and the Wayne County Circuit Court,
 - i. Full admission and submission of documents in civil case confirming perjury, solicitation of witnesses/victim testimony to obtain wrongful conviction,
7. ATTORNEY UNIS COMMITTED PROFESSIONAL MISCONDUCT WHERE SHE KNEW LEAD INVESTIGATOR PATRICIA PENMAN AND COMPLAINANT CARDELLO-SMITH HAD A PRIOR ROMANTIC INTIMATE RELATIONSHIP where Complainant ended said relationship in the 1990's resulting in Penman's vengeful quest to ensure Complainant remains incarcerated on false criminal charges, as proven by said reports that Attorney Unis was completely aware of the prior relationship between Cardello-Smith and Patricia Penman during her employment with the Dearborn Police Department as proven by documents and admissions submitted on the Court Record in

civil case 23-001466-CK Contractual Agreement between both parties of Smith and Carpenter 2023.

REQUEST FOR INVESTIGATION INTO THE DEPRIVATION OF COMPLAINANT'S CIVIL RIGHTS AND VIOLATION OF MICHIGAN COMPILED LAW STATUTES, RULES, POLICIES, PROCEDURES, STATE LICENSING, COUNTY RULES, PROCEDURES & LAWS, ETHICS VIOLATIONS, PROFESSIONAL MISCONDUCT AND CRIMINAL ACTS BY THE PARTY OF DEYANA UNIS AGAINST DERRICK LEE CARDELLO-SMITH #267009.

10-15-2023
Date


Derrick Lee Cardello-Smith
1576 W. Bluewater Hwy
Ionia, Michigan 48846

STATE OF MICHIGAN

COMPLAINT
FELONY36TH DISTRICT COURT DETROIT
3rd Judicial Circuit

The People of the State of Michigan

-vs-

DERRICK LEE SMITH 82-18722163-01

Offense Information

Police Agency / Report No.

82WCPO 18-18117

Date of Offense

10/12/1997

Place of Offense

E. 8 MILE AND SCHOENHERR, DETROIT

Complainant or Victim

CARLI ANN CARPENTER (BOIKE)

Complaining Witness

DETECTIVE PATRICIA PENMAN

STATE OF MICHIGAN, COUNTY OF WAYNE

The complaining witness says that on the date and the location stated above, the defendant, contrary to law,

COUNT 1: CRIMINAL SEXUAL CONDUCT - FIRST DEGREE (Multiple Variables)

did engage in sexual penetration, to-wit, penis to mouth (fellatio), with Carli Ann Bolke, under the following circumstance(s), during the commission of the felony of kidnapping and/or defendant was armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon, and/or defendant effected sexual penetration through force or coercion and the victim sustained personal injury, contrary to MCL 750.520b. [750.520B]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) unless the court finds that the victim was between the ages of 13 to 15 inclusive, consented to the conduct, and the defendant was not more than 4 years older than the victim. MCL 28.722(w)(iv).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for sexually transmitted infection, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: Life; mandatory lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. The Court may impose a consecutive sentence under MCL 750.520b(3).

COUNT 2: CRIMINAL SEXUAL CONDUCT - FIRST DEGREE (Multiple Variables)

did engage in sexual penetration, to-wit, penis to genital opening, with Carli Ann Bolke, under the following circumstance(s), during the commission of the felony of kidnapping and/or defendant was armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon, and/or defendant effected sexual penetration through force or coercion and the victim sustained personal injury, contrary to MCL 750.520b. [750.520B]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) unless the court finds that the victim was between the ages of 13 to 15 inclusive, consented to the conduct, and the defendant was not more than 4 years older than the victim. MCL 28.722(w)(iv).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for sexually transmitted infection, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: Life; mandatory lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. The Court may impose a consecutive sentence under MCL 750.520b(3).

COUNT 3: CRIMINAL SEXUAL CONDUCT - FIRST DEGREE (Multiple Variables)

did engage in sexual penetration, to-wit penis to genital opening, with Carli-Ann Boike, under the following circumstance(s), during the commission of the felony of kidnapping and/or defendant was armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon, and/or defendant effected sexual penetration through force or coercion and the victim sustained personal injury, contrary to MCL 750.520b. [750.520B]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) unless the court finds that the victim was between the ages of 13 to 15 inclusive, consented to the conduct, and the defendant was not more than 4 years older than the victim, MCL 28.722(w)(iv).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for sexually transmitted infection, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: Life; mandatory lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. The Court may impose a consecutive sentence under MCL 750.520b(3)

HABITUAL OFFENDER - THIRD OFFENSE NOTICE

Take notice that the defendant was twice previously convicted of a felony or an attempt to commit a felony in that on or about 12/01/98, he or she was convicted of the offense of larceny by false personation in violation of 750.363a in the Recorder's Court for City of Detroit, State of Michigan;

And on or about 06/11/93, he or she was convicted of the offense of attempt felony larceny over \$100 in violation of 750.356a in the 16th Circuit Court for County of Macomb, State of Michigan.

Therefore, defendant is subject to the penalties provided by MCL 769.11. [769.11]

PENALTY: Twice the maximum sentence on primary offense or a lesser term. The maximum penalty cannot be less than the maximum term for a first conviction.

Court shall order law enforcement to collect a DNA identification profiling sample before sentencing or disposition, if not taken at arrest.

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on <u>12/6/18</u> by:	
<u>[Signature]</u>	Date <u>01/30/19</u>
Deana Unis P81361	

Complaining witness signature

Subscribed and sworn to before me on _____
Date

Judge/Magistrate/Clerk

Bar no.

16/2023 7:27:52 PM

Service, Submitted, and File

State of Michigan)

) ss

County of Ionia)

SWORN AFFIDAVIT OF
DERRICK LEE CARDELLO SMITH #267009

I, Mr. Derrick Lee Cardello-Smith, Plaintiff in the Case against Carli Dipiola-Carpenter, do swear and declare that I entered into a Contractual Agreement between the Parties and Persons of CARLI DIPIOLO-CARPENTER and I, DERRICK LEE CARDELLO-SMITH during the time frame of January 1, 2022 through April 18, 2023 in which I agreed to provide Carli Dipiola-Carpenter with the financial provisions she needed in order to get herself cleaned up and dried out and recovered from her Extensive Substance Abuse History and dependence on Substance Abuse and to ensure that she had the money in the amount of \$5,000.00 (Five-Thousand Dollars) over a time period of 10 Months at the rate of \$500.00 per month, and in exchange for said payments made by me directly to Carli Dipiola-Carpenter, for her needs to be met, I also provided her with a Place to rest and recover and get cleaned and that is with George Thomas Preston at 7541 Yale Road-Avoca, MI 48006, and my money was in his custody and he gave it to her from me for me and she agreed to Tell the Truth as to her testimony that she gave in past civil hearings and other hearings where she provided testimony that was false and where she alleged that I had assaulted her and done other things to her that did not happen and she stated that she was under the influence of substances when she signed documents that were not true and when she gave testimony that was not true and that when she cleaned up, that I would then help her as long as she told the truth about her false testimony during the hearings and proceedings in which she made the false statements, and she had cleaned herself up and I then made sure that she was given the money to tell the truth and she got the money from me and failed to uphold her end of the contractual agreement, and she failed to provide me with the full return of the money for failure to do it and I have taken all measures that I can legally take, so I am swearing to the authentication of these events and the contract and I swear that the contract is valid and was valid and Carli Dipiola-Carpenter has failed in her duties to uphold the terms of the contract and she failed to return the money to me as she was required to since it was my \$5,000.00 she was given and kept.

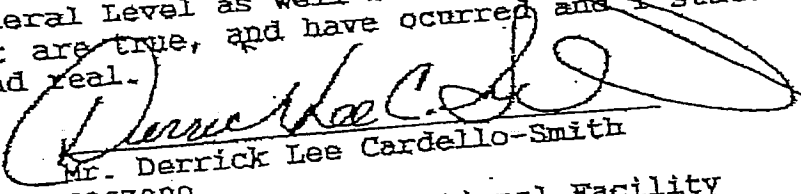
VERIFICATION

I swear and declare under the Penalty of Perjury that the events described herein occurred and happened and I will attest to them to the best of my Knowledge, Information

1.

and Belief, under the Laws of the State of Michigan, and at the Federal Level as well because these events did happen and in fact are true, and have occurred and I state that they are true and real.

May 8, 2023


Mr. Derrick Lee Cardello-Smith

#267009
Ionia Maximum Correctional Facility
1576 W. Bluewater Highway
Ionia, MI 48846

PHILIP ZIPOR
NOTARY PUBLIC, STATE OF MI
COUNTY OF MONTCALM
MY COMMISSION EXPIRES JULY 4, 2027
ACTING IN COUNTY OF Ionia



You have received a *jp*ay letter, the fastest way to get mail

From : DERRICK SMITH, ID: 267009
To : Humanity For Prisoners, CustomerID: 13305156
Date : 7/2/2023 7:34:33 PM EST, Letter ID: 1807557408
Location : ICF
Housing : 06063TOPAL

Hello to you adn hil

I heard a rumor that said that Humanity for Prisoners is now under new management??

Is any of that true?

I also wanted to thank you very much forgetting those Police Reports to me from the City of Detroit Police Department and I thank you also for getting me the Wayne County Prosecutor's Office file..

It means alot to me because there were Exculpatory documents in it that I never got when I was representing myself and, it was required to be provided to me and they never gave them to me... They are some Bad People and they have the Power of the Law at their disposal and I just cannot thank you enough for your assistance and your help.

Thank you very much and I look forward to being helpful for you agency again in the future.

Sincerely yours..

Derrick Lee Cardello-Smith, #267009

***jp*ay Tell your friends and family to visit www.jp.com to write letters and send money!**

LAW OFFICES OF DAVID L. MOFFITT & ASSOCIATES

ATTORNEYS AND COUNSELORS AT LAW

THE BINGHAM CENTER

30800 TELEGRAPH ROAD, SUITE 1705

BINGHAM FARMS, MICHIGAN 48025

TELEPHONE (248)-644-0880

FACSIMILE (248)-307-9545

DLMOFFITTASSOC@AMERITECH.NET

VISIT US ON THE WEB AT WWW.LAWYERMOFFITT.COM

November 3, 2022

Derrick Smith #267009
Ionia Correctional Facility
1576 W. Bluewater Highway
Ionia, MI 48846

Re: *FOIA Documents*

Dear Mr. Smith:

Please find enclosed the FOIA documents that we received on your behalf from the Wayne County Prosecutor's Office. Anything within these sets of documents that have been redacted were done so by Wayne County. Thank you.

Yours truly,

Patrick Kinney
Chief of Legal Staff/Chief Paralegal
LAW OFFICES OF DAVID L. MOFFITT
& ASSOCIATES, PLLC

937 AM

11001

7

LOCATION OF INCIDENT

E. 8 Mile and Schoenherr Detroit MI

VENUE

82/99

INCIDENT REPORT

COMPLAINANT

Carli Carpenter

TELEPHONE NO.

ADDRESS: STREET & NO.

CITY

STATE

ZIP CODE

INCIDENT STATUS

0 OPEN

1 LEIN VALIDATION

2 UNFOUNDED

3 EXCEPTIONAL CLEARANCE

4 INACTIVE

5 CLOSED

6 OPEN PENDING RELEASE OF PROPERTY

7 TOT OTHER POLICE DEPT

12/08/2018.

I met with Carli Carpenter at [REDACTED] unofficially and provided her with the \$4,000.00 she wanted for her testimony

02/19/2019

I contacted George Preston I made an audio recording of the conversation which has been saved to the electronic file.

George indicated he was with Smith on the night of the assault. Review recording for the detailed interview. (At the preliminary exam, where Smith represented himself, Smith stated he had 2 witnesses and that 2 other people were with him that night.)

03/05/2019

I contacted Kathy Preston. Kathy hung up on me.

I contacted George Preston who indicated I had called his wife and said Derrick is his lawyer and that he is representing himself and he has been instructed for me to contact him.

Kathy Preston left me the following message, Hello this is Kathy Preston I spoke with Patti earlier and I hung up on her because that was a dark time in my life and I don't want to go hash down that road. Derrick is my friend, George is my husband and I will not be a witness for the prosecution, will not and don't call me again."

03/11/2019

I contacted Kathy Preston. As soon as I identified myself she hung up on me.

04/16/2019

Page 1 / 2	Investigated by D/Patricia Penman	Officer's Signature	Received by
---------------	--------------------------------------	---------------------	-------------

☐ Supplemental Incident Report

10/22/2018

☐ Additional Incident Page No. _____

11001

D/James Heberger and I responded to [REDACTED] and served a subpoena to George Preston for the Motion hearing 04/18/2019. We then responded to several addresses in an attempt locate Kathryn Preston to serve a subpoena. [REDACTED] (does live there per resident), 8270 Logana Rd Greenwood MI (no house), [REDACTED] does live there per father-in-law James Preston Sr.), 321 Mary St Yale MI (does not live there per resident), 3 Gratiot Blvd Marysville MI (does not live there per resident)

04/17/2019

I responded to the Dearborn Police Department for a scheduled polygraph test for Smith. Smith who requested the polygraph test, indicated he did not wish to take the test because he plans to enter a plea on this case.

04/18/2019

Smith entered a-plea of no contest based on a Cobbs agreement of 17.5- 35 years. The guidelines in this case are 15-Life and the prosecutor plea offer would have been 20-40years.

Sentencing set for 05/02/2019.

04/23/2019

DIMichael Sabo returned the SAK and fingerprint lift to DPD property.

05/02/2019

Smith was sentenced to 17.5 to 35 years MDOC, Carli Carpenter provided a victim impact statement. She was unable to attend due to her son being sick.

Page 2 / 2	Investigated by D/Patricia Penman	Officer's Signature	Received by
---------------	--------------------------------------	---------------------	-------------

STATE OF MICHIGAN JUDICIAL DISTRICT 16th JUDICIAL CIRCUIT MACOMB COUNTY	SUMMONS	CASE NO. 2023-001466-CK
---	---------	----------------------------

Court address

40 N. MAIN ST., MOUNT CLEMENS, MI 48043

Court telephone no.

586-469-5351

Plaintiff's name, address, and telephone no.

DERRICK LEE CARDELLO-SMITH #267009
 Ionia Maximum Correctional Facility, 1576 W. Bluewater
 Hwy, Ionia, MI 48846 AND
 PATRICIA LEE THOMPSON 23751 Brownstown Square
 Dr #204, Brownstown Twp, MI 48174

Defendant's name, address, and telephone no.

CARLI DIPIOLA-CARPENTER
 7541 Yale Road
 Avocca, MI 48006

v

Plaintiff's attorney, bar no., address, and telephone no.
 Plaintiffs in Propria Persona

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are **no** pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is **one** or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family **or** family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- ☐ It is **unknown** if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family **or** family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a **business** case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS **and** a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is **no** other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

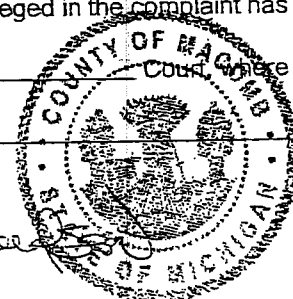
been previously filed in ☐ this court, ☐ _____

it was given case number _____ and assigned to Judge _____

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS



NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside of Michigan).
3. If you do **not** answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you **require** accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date MAY - 2 2023	Expiration date* AUG - 1 2023	Court clerk <i>Anthony G. Forlini</i> ANTHONY G. FORLINI
-----------------------------------	---	--

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

STATE OF MICHIGAN
IN THE 16TH CIRCUIT COURT FOR MACOMB COUNTY
CIVIL DIVISION

DERRICK LEE CARDELLO-SMITH #267009

PATRICIA LEE THOMPSON

Plaintiffs in Propria Persona

VS

CARLI DIPIOLA-CARPENTER

Defendant

Case # 2023- 001466-CK

Hon. _____

RICHARD L. CARETTI

COMPLAINT FOR BREACH OF CONTRACT
& MONETARY DAMAGES AND JUDGEMENT

Now comes the Plaintiff, Derrick Lee Cardello-Smith #267009, and Co-Plaintiff Patricia Lee Thompson in the above cause pursuant to MCL 600.5801-5807 seeking Judgement to be entered against the Defendant CARLI DIPIOLA-CARPENTER FOR TOTAL COMPLETE BREACH OF CONTRACT AND FAILURE TO PERFORM TERMS AGREED UPON IN THE CONTRACTUAL AGREEMENT BETWEEN PLAINTIFF AND DEFENDANT.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a Jury Trial on the claims presented. This right is asserted pursuant to the State Constitution.

JURISDICTIONAL STATEMENT

This Court has subject matter jurisdiction as the Plaintiff maintained a residence in Macomb County at least six (6) months prior to incarceration and filing of this action.

MANDATORY DISCLOSURE STATEMENT

This Plaintiff has filed 124 State and Federal civil cases and appeals and over 40 Federal appeals under civil and criminal jurisdictions.

DAMAGES SOUGHT

Plaintiff seeks monetary damages in the amount of Thirty Thousand Dollars (\$30,000.00) for Breach of Contract and completion of services and terms reached between Plaintiff and Defendant Carli Dipiola-Carpenter.

TERMS OF CONTRACTUAL AGREEMENT

Plaintiff, Derrick Lee Cardello-Smith 267009, agreed to pay Defendant Carli Dipiola-Carpenter the sum total of \$5,000.00 at a rate of \$500.00 per month for ten (10) months to cover the Defendants living expenses, food, drug rehabilitation fees, family costs and transportation costs in order for Defendant to be clean, sober, lucid and clear headed to appear for the civil hearings and depositions and to provide the truth as to what really happened on October 12, 1997.

Defendant agreed to tell the truth that no assault ever took place regarding the 1997 Assault Case claims that Defendant lodged against Plaintiff. Defendant Carpenter failed to perform her duties as detailed in the Contractual Agreement between both parties, and instead used the \$5,000.00 to support her own substance abuse habits of heroin, cocaine and other illicit drugs resulting in the immediate loss of the \$5,000.00 as well as other directly related costs of \$20,000.00.

The \$20,000.00 was paid directly to David Moffit and Associates because Defendant Carpenter failed to perform her duties to tell the truth at other hearings resulting in the direct loss by Plaintiff.

The Defendant provided testimony in open court alleging serious assaults having taken place upon her person by the Plaintiff in 1997 through 2021. This testimony and filings were lodged in 2018, 2019, 2020 and 2021 at multiple hearings while the Defendant was under the influence of controlled substances that affected her testimony as to the truth of the matter. The failure of the Defendant to perform her required contractual responsibilities resulted in significant financial loss that the Defendant is responsible for under MCL 600.5807 requiring this matter to be adjudicated in a Court of law.

The violation of the terms of Agreement are detailed in the supporting exhibit entitled "Plaintiffs Exhibit 1".

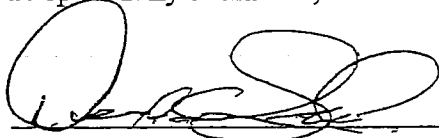
CONCLUSION

Defendant failed to adhere, complete, fulfill and meet the terms of the Contract, and in doing so breached said Contract, resulting in significant monetary loss sustained by the Plaintiff after the monies were received by the Defendant. The monies were paid from money left in the hands of George Preston and the money which belonged to Plaintiff Derrick Lee Cardello-Smith as George Preston oversees the Cardello-Smith estate and trust.

RELIEF REQUESTED

Wherefore Plaintiff prays this Court will enter Judgement in favor of the Plaintiff for \$30,000.00 for Breach of Contract and grant any other relief this Court deem necessary and appropriate.

Respectfully submitted,



Derrick Lee Cardello-Smith 267009

Plaintiff


Ionia Maximum Correctional Facility

1576 W. Bluewater Hwy

Ionia, MI 48846

Date

4-7-23



Patricia Lee Thompson

Plaintiff

[REDACTED]
[REDACTED]

Date

04/21/2023

Contractual Agreement

Mr. Derrick Lee Cardello-Smith,

After our many conversations through the mail, I have decided that in order for me to tell the TRUTH about the fact that you NEVER ASSAULTED ME and you NEVER CAUSED ME ANY PHYSICAL HARM at any point in 1997 and that the testimony I provided was in fact false, I will do so, only after you PROVIDE ME WITH \$5,000.00 (Five-thousand Dollars), so long as you pay me in Cash installments of \$500.00 a week for Ten (10) weeks!

I have already contact George Preston many times over the past couple of years, and he said that he wants me to tell the truth about what happened that night in 1997 and why I testified to it again in 2018 and 2019 and again in 2022, I agreed to it, ONLY IF I AM GIVEN THE MONEY.

He stated that he has money that is Yours and that it would come from you and it has come from you...and from Patricia Penman as well, I have already received money from her back in 2018 to testify on you, so I was in a Drug Hazed state and I took the money and it helped me with what I needed.

I lied and Patricia Penman did in fact get me to agree to it after I was no longer scared, and Patricia Penman offered me money for my testimony in the civil and other cases.

So, if you agree to pay me \$5,000.00 over a period of time, I will withdraw my lie about the Attack and Assault and tell the truth.

I need money for my own habits, and you can have you people get me some money and then I will withdraw my false statement and tell the truth.

I most certainly lied when the Hearings took place in 2019 and have lied since then when I said that I could not "Appear in Person because my Son was Sick". That was not true, I just could not look you in the eyes and lie in court again.

You said that the only way you would agree to this, is if I put it in writing (i.e., contract), so, here it is, in writing. You sign this and return it to me, and I will sign it and return it back to you, while your still at Muskegon, okay. I lied about everything, so, send me the money and I will tell the truth...Just for proof, I lied when I said I have no criminal History, in fact, I do, I did time at the address of 8850 North Stony Drive, Unit # 204, Washington, MI 48094. So, that should help you because I told Deyana Unis and Patricia Penman that I did not have a criminal history and when you had your hearings, I lied about that too and you were told I did not have a history, by Unis, and Penman and that guy Heberger...So, you never assaulted me, neve hurt me, never treatment me wrong, in fact, you were a gentleman, and I lied about it in October 1997 and many times in 2018, 2019 and also in 2022. So, if you do not want me to lie again, pay me and we will be okay.

Carli Carpenter

Carli DiPiola-Carpenter
7541 Yale Road
Avoca, MI 48006

DATED: February 18, 2022

Derrick Lee Cardello-Smith

Mr. Derrick Lee Cardello-Smith
#267009
1576 W. Bluewater Highway
Ionia, MI 48846

DATED: February 1, 2022

STATE OF MICHIGAN JUDICIAL DISTRICT 16th JUDICIAL CIRCUIT	DEFAULT REQUEST, AFFIDAVIT, AND ENTRY	CASE NO. 2023-001466-CK HON. RICHARD L. CARETTI
---	--	---

Court address

16th Circuit Court Macomb 40 North Main Street-Mt. Clemens, MI 48043

Court telephone no.

Plaintiff name(s), address(es), and telephone no(s).

Derrick Lee Cardello-Smith, #267009
Probable Cause Conference Litigant
Ionia Maximum Correctional Facility
1576 West Bluewater Highway
Ionia, MI 48846

Plaintiff's attorney, bar no., address, and telephone no.

SELF-REPRESENTED PRISONER PLAINTIFF

Defendant name(s), address(es), and telephone no(s).

Carli DiPiola-Carpenter
Defendants-In Pro Per
7541 Yale Road
Avoca, MI 48006

Defendant's attorney, bar no., address, and telephone no.

PRO PER

RECEIVED
JUN 12 2023

v

Party in default: **CARLI DIPIOLA-CARPENTER**

ANTHONY G. FORLINI
Macomb County Clerk

REQUEST AND AFFIDAVIT

- I request the clerk to enter the default of the party named above for failure to plead or otherwise defend as provided by law.
- The defaulted party is not an infant or incompetent person.
- ☐ It is unknown whether the defaulted party is in the military service. ☒ The defaulted party is not in the military service.
☐ The defaulted party is in the military but there has been notice of pendency of the action and adequate time and opportunity to appear and defend has been provided. Attached, as appropriate, is a waiver of rights and protections provided under the Servicemembers Civil Relief Act. Facts upon which this conclusion is based are: (specify)

Derrick Lee Cardello-Smith #267009
Applicant/Attorney signature Bar no.

Subscribed and sworn to before me on June 9 2023, Ionia County, Michigan.
Date

My commission expires: 2-27-29 Date Signature [Signature]
Deputy court clerk/Notary public

Notary public, State of Michigan, County of Eaton

NOTE: Default can be entered by a district court clerk without the request of a party.

DEFAULT ENTRY

The default of the party named above for failure to plead or otherwise defend is entered.

6-13-23
Date

Sherron W. [Signature]
Court clerk

GUILLERMO A. SANTIAGO-DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF EATON
MY COMMISSION EXPIRES Feb 27, 2029
ACTING IN COUNTY OF Ionia

CERTIFICATE OF MAILING

I certify that on this date copies of this default were served on the appropriate parties or their attorneys by first-class mail addressed to their last known addresses as defined by MCR 2.107(C)(3).

6/13/23
Date

Derrick Lee Cardello-Smith
Signature

Approved, SCAO

Original
1st copy - Plaintiff
2nd copy - Defendant

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT 16TH	JUDGMENT Civil	CASE NO. 2023-001466-CK
Court address 40 N. MAIN STREET, MT. CLEMENS, MI 48043		Court telephone no. 586-469-5351

Plaintiff(s)
DERRECK LEE CARDELLO-SMITH 267009

Defendant(s)
CARLI (BOIKE) DIPIOLA-CARPENTER

Plaintiff's attorney name, address, and telephone no.
PLAINTIFFS IN PRO PER
1576 W. BLUEWATER HWY, IONIA, MI 48846

Defendant's attorney name, address, and telephone no.
7541 YALE RD., AVOCA, MI 48006

☒ JUDGMENT

For: PLAINTIFF

Against: DEFENDANT

☐ Trial ☒ Consent
☐ Summary Disposition ☐ Default

☒ DISMISSAL

☐ Without prejudice ☒ With prejudice
☐ No cause of action

*For a defendant on active military duty, default judgment shall not be entered except as provided by the Servicemembers Civil Relief Act.

ORDER OF JUDGMENT NOT INCLUDING STATUTORY INTEREST

Damages:		\$ 5,000.00
Costs (fees): filing \$ 175.00 jury \$ 0.00 motion \$ 0.00 service \$ 8.67		
statutory \$ 0 (MCL 600.2441)		\$ 183.67
Attorney fee: <input type="checkbox"/> statutory <input type="checkbox"/> other (specify)		\$ 0.00
Total judgment amount (This judgment will earn interest at statutory rates, computed from the filing date of the complaint):		\$ 5,183.67

☒ The defendant shall pay the judgment in installment payments of \$ _____ each _____ starting _____ until the judgment is paid in full. The plaintiff shall not issue a periodic garnishment as long as payment is made.
Other conditions, if any: JOINT STIPULATED CONDITIONAL CONFIDENTIAL SETTLEMENT AGREEMENT & DISMISSAL /WP

☒ Approved as to form, notice of entry waived.
IT IS ORDERED that this judgment is granted.
This judgment resolves the last pending claim and closes the case unless checked here. ☐

AUGUST 01, 2023 - 08/08/2023

Judgment date
Plaintiff Attorney: *Derreck Lee Cardello-Smith*
Defendant Attorney: *Carli Carpenter*
Court clerk: *Richard L. Carter*
Bar no. _____
Judgment has been entered and will be final unless a motion for new trial or an appeal is filed within 21 days after the judgment date.

STATUTORY INTEREST

The judgment interest accrued from the filing of the complaint to judgment is \$ _____ and is based on:
(If additional rates apply, attach a separate sheet.)
☐ the statutory rate of _____ % from _____ to _____
☐ the statutory 6-month rate(s) of _____ % from _____ to _____ and _____ % from _____ to _____

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this judgment on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

8/9/2023
Date

Signature

MCL 600.2441, MCL 600.5750, MCL 600.6013, MCL 600.8375, MCR 2.601, MCR 2.602, MCR 2.603, 50 USC App 521

MC 18 (3/16) JUDGMENT, CIVIL

AFFIDAVIT OF GEORGE PRESTON

Please be advised, that I swear and declare that the Person of CARLI CARPENTER did in fact reside in my home and at my property on and off between the times of 2021 through 2023 where Carli Carpenter stayed here periodically and resided here and received mail here at my residence stating because she was CLEANING HERSELF UP and getting Sober and staying away from her Husband because he did not help her get off drugs and alcohol and she drove out to my place for quite awhile and she needed a place to crash and so, she stayed with me here and maintain 2 residences—1 was her regular home with her family at 5615 Fairgrove Road-Fairgrove, Michigan 48733 and the other place was here with me at 7541 Yale Road, AVoca, MI 48006. This was done for on and off times and she received mail here at this address and she received documents here and they were kept in my place until she left...She has a key to my home and it was done for her getting cleaned up and resolving what she did in the past.

I will attest to these events if the Court requires it as that they are true, real and accurate and they happened.

Thank you for your time.

George Preston
George Preston

Dated: 10/4/23

Sarah L. Armstrong
SARAH L ARMSTRONG
Notary Public - State of Michigan
County of St Clair
My Commission Expires Mar 3, 2029
Acting in the County of St. Clair

10/13/23

INDIVIDUAL ACKNOWLEDGMENT

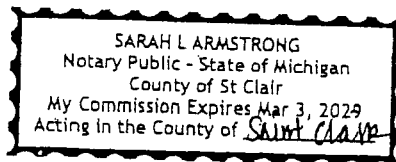
State/Commonwealth of Michigan
 County of Saint Clair } ss.
 On this the 13th day of October, 2023, before me,
Sarah L. Armstrong, the undersigned Notary Public,
Day Month Year
Name of Notary Public
 personally appeared George Preston
Name(s) of Signer(s)

☐ personally known to me – OR –

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same for the purposes therein stated.

WITNESS my hand and official seal.



[Signature]
 Signature of Notary Public

exp 3/3/2029

Any Other Required Information
 (Printed Name of Notary, Expiration Date, etc.)

Place Notary Seal/Stamp Above

OPTIONAL

This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit of residence

Document Date: 10/11/23 Number of Pages: 1

Signer(s) Other Than Named Above: NONE

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

CONVICTION AND SENTENCE

19-000756-01-FC

ORI MI- 821095J Court Address 1441 St. Antoine, Detroit MI 48226 Courtroom 401 Court Telephone No. 313-224-2481

THE PEOPLE OF THE STATE OF MICHIGAN

vs. Derrick Lee Smith

Defendant

At a session of the court on 04/18/2019 before the Hon. Bridget Mary Hathaway

Judge of the court, the defendant was convicted by: ☐ Jury ☐ Bench ☒ Plea (NOLO)

PACC code(s)

1. SC 1 st degree	750.520B
2. SC 1 st degree	750.520B
3. SC 1 st degree	750.520B
4. SC 1 st degree	750.520B
5. 3rd	769.11

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

2. The defendant was in court for sentence on 05/02/19 and was sentenced by the court to

Probation, for a term of _____ years. (see separate probation order)

Michigan Department of Corrections, confined for a term of not less than nor more than _____

ct. 1: 17 years 6 mths - 35 years MDOC; ct. 2: 17 years 6 mths - 35 years MDOC; ct. 3: 17 years 6mths - 35 years MDOC
 ct. 4: 17 years 6 mths - 35 years MDOC _____ years.

The maximum statutory penalty for the crime(s) of which said defendant stands convicted is _____ years.

Jail confinement for _____ days/months.

The conviction is reportable to the Secretary of State under MCL257.732 or 281.1040.

The defendant's drivers license number is _____

RECOMMENDATION all counts to run concurrent; concurrent with present MDOC sentence ; SEX OFFENDER

REGISTRY UNDER SOLA

Attorney Fees \$ 400 Court Costs \$ 1200 Restitution \$ DNA Fee \$

Crime Victims \$ 130.00 State Minimum Costs 272.00 Supervision Fee \$

☐ HIV testing was ordered on _____

The defendant was represented by ATTORNEY Clifford Woodards BAR NO 60661

and is to be given credit for 113 days served in JAIL

SAID CREDIT TO BE APPLIED TO MINIMUM AND MAXIMUM SENTENCE.

Honorable Bridget Mary Hathaway

76409

Approved, SCAO Original - Court

Original Court
1st copy - Corrections
2nd copy - Corrections (for return)3rd copy - Michigan State Police CJIC
4th copy - Defendant
5th copy - Prosecutor

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS <input checked="" type="checkbox"/> Amended	CASE NO. 19-000756-01-FC
---	--	-----------------------------

ORI MI - 821095J Court Address 1441 St. Antoine, Detroit, MI 48226 Courtroom 401 Court Telephone No. 313-224-2481
Police Report No.

THE PEOPLE OF THE STATE OF MICHIGAN

Prosecuting attorney name Bar no.
Deyana Unis 81361

v

Defendant name, address, and telephone no.
Derrick Lee Smith
Alias(es) -
2400 S Sheridan Dr Muskegon, MI 49442

CTN/TCN SID DOB
18722163-01 11/01/1972

Defendant attorney name Bar no.
Clifford Woodards 60661

THE COURT FINDS:

1. The defendant was found guilty on 04/18/2019 of the crime(s) stated below:

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE (\$) MCL citation/PACC Code
	Pleas*	Court	Jury			
1	NC				CSC 1 ST DEGREE	750.520B
2	NC				CSC 1 ST DEGREE	750.520B
3	NC				CSC 1 ST DEGREE	750.520B
4	NC				CSC 1 ST DEGREE	750.520B
					HAB. 3 RD	769.11

*Insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill, "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

- ☐ The conviction is reportable to the Secretary of State under MCL 257.625(21)(b).
☐ HIV testing and sex offender registration are completed.
☐ The defendant has been fingerprinted according to MCL 28.243.
☐ A DNA sample is already on file with the Michigan State Police from a previous case. No assessment is required.

IT IS ORDERED:

- ☐ Probation is revoked.
☐ Participating in a special alternative incarceration unit is ☐ prohibited. ☐ permitted.
☐ Defendant is sentenced to custody of Michigan Department of Corrections. This sentence shall be executed immediately.

Count	SENTENCE DATE	MINIMUM			MAXIMUM			DATE SENTENCE BEGINS	JAIL CREDIT		OTHER INFORMATION
		Years	Mos.	Days	Years	Mos.	Days		Mos.	Days	
1	05/02/2019	17	6		35			05/02/2019		113	
2	05/02/2019	17	6		35			05/02/2019		113	
3	05/02/2019	17	6		35			05/02/2019		113	
4	05/02/2019	17	6		35			05/02/2019		113	

- ☐ Sentence(s) to be served consecutively to: (if this item is not checked, the sentence is concurrent)
☐ each other. ☐ case numbers

10. The Defendant shall pay:

State Minimum	Crime Victim	Restitution	DNA Assess.	Court Costs	Attorney Fees	Fine	Other Costs	Total
\$ 68.00	\$ 130.00	\$	\$	\$ 1,300.00	\$ 400.00	\$	\$	\$ 2,102.00

The due date for payment is Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.

11. The concealed weapon board shall ☐ suspend for ☐ days ☐ permanently revoke the concealed weapon license, permit number issued by County.
☒ 12. The defendant is subject to lifetime monitoring pursuant to MCL 750.520n.
 13. Court recommendation: All counts to run concurrent; Sentence to run concurrent with present MDOC sentence; Sex Offender Registry under SORA

05/02/2019

Date

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

Deputy court clerk

MCL 765.15(2), MCL 769.1k, MCL 769.16a, MCL 775.22,
MCL 780.766 MCR 6.427



KYM L. WORTHY
PROSECUTING ATTORNEY

DARYL CARSON
CHIEF OF STAFF

COUNTY OF WAYNE
**OFFICE OF THE PROSECUTING
ATTORNEY**
DETROIT, MICHIGAN

1200 FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-2302

TEL: (313) 224-5777
FAX: (313) 224-0974

November 6, 2023

Derrick Lee Smith
MDOC #267009
Ionia Correctional Facility
1576 W. Bluewater Highway
Ionia, MI 48846

Dear Mr. Smith:

I write in response to your letter received October 29. I understand your claim. Given that you paid Miss Carpenter, anything she said in Macomb County Circuit Court does not change the analysis enough to recommend to the Prosecutor that you are factually innocent. This case has too much going on to have any confidence in a recantation from Miss Carpenter.

However, given your allegations of police misconduct, I forwarded your materials to our Public Integrity Unit.

Your case remains closed in this unit.

Sincerely,

/s/ VLN

Valerie Newman
Deputy Chief and
Director of Conviction Integrity Unit

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERALCADILLAC PLACE
3030 WEST GRAND BOULEVARD
SUITE 10-200
DETROIT, MI 48202DANA NESSEL
ATTORNEY GENERAL

November 20, 2023

Derrick Lee Smith, MDOC# 267009
Ionia Correctional Facility
1576 W. Bluewater Highway
Ionia, MI 48846

Dear Mr. Smith:

The Conviction Integrity Unit (CIU) has received your letter. It appears from your letter that you are asking for help with a conviction that occurred in Wayne County. The Wayne County Prosecutor's Office has an independent Conviction Integrity Unit. If you have not already reached out to their office, please write to them at the following address:

Valerie Newman
Conviction Integrity Unit
Wayne County Prosecutor's Office
Frank Murphy Hall of Justice
1441 St. Antoine
Detroit, MI 48226

I have full confidence in Ms. Newman and her staff. I know they will do their best to assist you. If you have already contacted the Wayne County Conviction Integrity Unit, there is no need to contact them again. Unfortunately, your file is closed in our office. We wish you the best of luck.

Sincerely,

Robyn B. Frankel
Assistant Attorney General
Director - Conviction Integrity Unit



KYM L. WORTHY
PROSECUTING ATTORNEY

COUNTY OF WAYNE
**OFFICE OF THE PROSECUTING
ATTORNEY**
DETROIT, MICHIGAN

1200 FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-2302

TEL: (313) 224-5777
FAX: (313) 224-0974

DARYL CARSON
CHIEF OF STAFF

November 21, 2023

Derrick Lee Smith
MDOC #267009
Ionia Correctional Facility
1576 W. Bluewater Highway
Ionia, MI 48846

Dear Mr. Smith:

I write in response to your letter received November 15. I do not disagree with your assessment. Therefore, I forwarded your prior letter and will forward this one to the Public Integrity Unit. If that unit determines to undertake an investigation, then they have the power to recommend to the Prosecutor that relief be granted if warranted.

Sincerely,

/s/ VLN

Valerie Newman
Deputy Chief and
Director of Conviction Integrity Unit



detroit

SEX CRIMES UNIT

DPD
SEXUAL CRIMES UNIT
Records Section
JANUARY 7, 1998

police

ARREST RECORD CORRECTION DEPARTMENT

REPORTING AGENCY: DETROIT POLICE DEPARTMENT
 CASE REPORTING UPDATE AND CORRECTION OF ARREST RECORD

The Detroit Police Department acting on it's own Initiative and through the Sex Crimes Unit of the Violent Crimes Task Force hereby enacts and decrees that the Current and Past Reports of Sexual Offenses, Rapes, or Sexual Assaults against any Woman or Women that have been Lodged against the Person Named as Derrick Lee Smith, Derrick Lee Moore, Derrick Smith are Not the Person or Party of Detroit Resident, Or of the Following Named Person, or Civillian and are to exclude the named person of:

DERRICK LEE CARDELLO-SMITH MDOC # 267009
19246 HOYT-DETROIT MI 48226
DATE OF BIRTH: NOVEMBER 01, 1972 (11-01-72)
SSN [REDACTED]

In 1997 Derrick Lee Cardello-Smith, Entered the Jackson Prison System for the Charge of Second-Degree Murder, and it is reflected in Homicide Report 1997-0811306.1 and in fact Derrick Lee Cardello-Smith is NOT THE SUSPECT, NOT THE PERPETRATOR, NOR THE PERSON WHO COMMITTED ANY RAPES, NOR ANY SEXUAL ASSAULTS AGAINST ANY FEMALE VICTIM IDENTIFIED, INVESTIGATED OR LISTED IN THE JURISDICTION OF THE DETROIT POLICE DEPARTMENT and in fact, The persons named as John Smith and Derek Lee Smith have listed their Individual alias and AKA's as Derrick Lee Cardello-Smith and in fact, Derrick Lee Cardello-Smith did not commit any sexually offense and was and is excluded from any sexual offense or reports of sexual encounters by any persons during any time frame of any residency in the City of Detroit, or In Any County in the State of Michigan and Any Reports, Documents or Others that list, site, discuss, contain, or have the Name of Civilian DERRICK LEE CARDELLO-SMITH in it during the time frames of 1992-1998, are in fact, FALSE REPORTS, FALSE STATEMENTS and Should Exclude Mr. Derrick Lee Cardello-Smith as that the reports are from a Deliberate, Intentional Group of Men and Women Who reside or have resided in the City of Detroit, Counties of Macomb, Oakland and Wayne and have in fact Filed False Charges of Rape against Multiple Persons and Parties of Interest to Extort money from the Unsuspecting Men and in fact were part of the RICO Units Targeted by the Internal Affairs Bureau of the Detroit Police Department, and in fact, 13 Women have been arrested and convicted of Placing False Rape Allegations and Testimony against the Civilians and Citizens of the State of Michigan and have in fact, continued to cooperate in other investigations that cannot be revealed at this time...However, Mr. Derrick Lee Cardello-Smith was in fact the target of these women due to the women being instructed to and paid to do so by Detroit Police Officers that Derrick Lee Cardello-Smith has prior history and Bad Blood with based on previous encounters. Derrick Lee Cardello-Smith has in fact been the Victim of These Said False Rape Charges by various women who have signed General Templates Reports Circulated by Former Detroit Police Officers who have been convicted of extortion, abuse of power and other crimes. The named persons and parties who were paid by the Former Detectives of the Detroit Police Department and Named Females Who filed False Police Reports are in fact listed on the accompanying report attachment, as that the charges are false, the reports have to be redacted and voided from the Law Enforcement Information Network to Ensure that Derrick Lee Cardello-Smith is not listed as a Sex Offender in the MDOC or any other Public Record. Derrick Lee Cardello-Smith is not a Sex Offender and the Internal Documents Must Follow him to the MDOC and not the Incorrect Documents.

Patrick L. Jackman 35489

Patrick Jackman, Public Records Supervisor-DPD



police

HOMICIDE REPORT

AMENDED

REPORTING AGENCY: DETROIT POLICE DEPARTMENT
CASE REPORT NUMBER: 0811306.1

REPORTED ON JULY 24, 1997 00:45AM OCCURRED ON JULY 8, 1997
AT EAST 8 MILE & VAN DYKE ROADS-DETROIT, MI SCA/10:09PM SECTOR A 9TH

OFFENSE:HOMICIDE-SPECIAL CIRCUMSTANCES-MURDER:OFFENSE IS A REGISTERED SELF-
DEFENSE EXPERT WITH TRAINING IN MARTIAL ARTS 7 HAND-TO-HAND COMBAT-OFFENSE
HIGHTENED--BY INTENTIONAL OVERKILL & INTENTIONAL OVERUSE OF DEFENSE TACTICS-
OFFENDER KNEW THAT THE 3 ATTACKERS WERE CIVILIANS & NOT TRAINED COMBATANTS

1. ARRESTEE: DERRICK LEE CARDELLO-SMITH:AGE:24SEX:MALE-RACE:BLACK-ITALIAN-MEX-
ADDRESS: [REDACTED] -DETROIT, MI 48205-26--Phone [REDACTED]

HOMICIDE VICTIM/ATTACKER:CARL BISHOP:AGE 47:SEX:MALE-RACE:CAUCASIAN/WHITE- No
Relationship to Suspect/Offender--

3.ASSAULT VICTIM/ATTACKER:ROBERT GUNTER:AGE:53:SEX:MALE-RACE:CAUCASIAN/WHITE-
No Relationship to Suspect/Offender

4.ASSAULT VICTIM/ATTACKER:DAVID BROCK: AGE:\$\$:SEX:MALE-RACE:CAUCASIAN/WHITE-
No Relationship to Suspect/Offender

OFFENDER DESCRIPTION: On or About July 7/8, 1997, Suspect DERRICK LEE CARDELLO-SMITH, Age 24, and His Female Companion [REDACTED] age 20, were leaving the AMC Movie Theater on 8 Mile & Van Dyke Roads in Detroit, MI when the 2 were approached by Three Strangers known now as the above Three Named Victim/Attackers. The deceased Victim CARL BISHOP and his 2 friends were leaving a Tavern/Bar Adjacent to the Theater when they came upon Derrick Lee Cardello-Smith and his Girlfriend heading to their Car (1997 Chevy Camaro Z-28) and as they passed by the 3 Victims/Attackers, Comments were made about the pair being an "Interacial-Couple" and words were exchanged--An argument ensued between all Men with the Leader, Carl Bishop becoming enraged that the Suspect was with a "Woman of the Opposite Race!" hat she is White and Needs to 'Stay within Her own Race". The Trio them Started Yelling to Offender Cardello-Smith that "O.J. KILLED HIS WOMAN, so Will this Nigger Your With!"

Offender Cardello-Smith was attempting to keep the matter from getting more aggressive, when, according to Witnesses and bystanders, two of the three men started fighting Cardello-Smith, who saw the Third Mail, Carl Bishop was physically attacking his Girlfriend by slapping her with his Hand to face contact, and calling her a "Nigger-Lover" and "Race Traitor!"

Cardello-Smith was still Engaged with Gunter & Brock when his Girlfriend yelled out, "Derrick Help!", Derrick then saw her and saw that the (Decedent) Carl Bishop had in fact Brandished a Sharp Edged Weapon and/or Knife and was about to Stab his Girlfriend while the Other 2 Men were keeping Derrick Busy and they were Laughing, and then, According to Witnesses, Cardello-Smith broke Gunter's Arm, Broke the Leg of Brock, immobilizing them both and Cardello-Smith then Ran & Intercepted the knife by Placing His Own Arm in between the Blade of the Weapon and His Companions Body/Upper torso, the Knife then Penetrated Cardello-Smith's Right Forearm and Cardello-Smith grabbed Carl Bishop's Wrist Pulling the Knife out and Forced it into the Lungs of the remaining Victim/Attacker Carl Bishop. Offender Cardello-Smith was then heard saying "You were going to Stab my Date! Now Your Going to Die in a Filthy Parking Lot, You should have Just Let us Be!" "Die Where You Are You Racist Bitch!" Cardello-Smith then went to his Companion who was Shaken.

Derrick then Went to the Other 2 Pair that were already immobilized and proceeded to Kick them and Fracture other parts of their bodies until he was Subdued by Officers who arrived on Scene--The Victim Carl Bishop was taken to Emergency Triage at St. Johns Hospital where he Succumbed to his Injuries 2 Weeks later--Cardello-Smith was then taken into Custody for Open Murder.

Arrestee transported to 9th Precinct for Holding/Charging Purposes review by Detective Jose' Ortiz and Sgt. David Cobb.

**PEOPLE OF THE STATE OF MICHIGAN
-VS-
DERRICK LEE CARDELLO-SMITH
MDOC #267009**

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

MAY 3, 2019

**WAYNE COUNTY CIRCUIT COURT DESCRIPTION OF
THE OFFENSE & SENTENCING INFORMATION FOR
PLACEMENT ON PUBLIC INFORMATION SYSTEM &
STATE PRISON INFORMATION SYSTEM IN FULL
COMPLIANCE WITH SETTLEMENT AGREEMENT OF
MAY 2, 2019 REGARDING THE CORRECTED AND
UPDATED RELEASE DATE & INFORMATION FOR
MR. DERRICK LEE CARDELLO-SMITH #267009
CASE NO'S 1997-010147-01-FC-2008-008639-01-FC
RESOLVED IN THE SETTLEMENT AGREEMENT OF
2019-000756-01-FC ON MAY 3, 2019 IN DETROIT, MI
NEW RELEASE DATE OF AUGUST 18, 2026**

Court Name (Last, First, Middle) Smith, Derrick Lee				MDOC Nbr. 267009		Given Name (Last, First, Middle) Same	
Name Type				Other Names (Last, First, Middle) SMITH, DERRICK LEE			
Alias							
Court/Commitment Name							
Place of Birth Michigan			Citizenship USA		Last Known Address & Telephone No.		
State & DLN None			DOB 11/01/1972				
SID No. 1504755E			FBI No. 498829LA9				
Race Black or African American		Sex Male	Hair Black	Eyes Brown			
Height 5' 10"	Weight 180	Highest Grade Completed	Occupation None		Health Ins. No	Assets-\$1,500 & Up	Monthly Income of \$75 & Up No
Marital Status [REDACTED]	Dependents 0	Religion Catholic	Military Branch Army		Military Dates 1972-1991		Discharge Type Medical
Marks, Scars, Amputations, Tattoos					Drug Abuse	Alcohol Abuse	Mental Health Treatment
Tattoo Right Upper Arm		Tattoo Left Arm		Scar Right Forearm	No	No	No

CRIMINAL HISTORY

Juvenile			Adult				Status at Time of Offense	
Comm. 0	Prob. 1	Esc. 0	Jail 3	Pris. 1	Prob. 2	Esc. 0	X	None
Age of First Arrest		Sex Offense Convictions		SAI Eligible		HYTA		
Pending Charges in Court No		No. of Prior Felony Convictions 2		Federal Probation			District Probation	
				Federal Parole			Federal Parole	
Type of Report Presentence	County Wayne County	Agent & Caseload No. [REDACTED]		Probation Violation New Sentence No		Probation Violation Technical No		

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
Delayed Sentence
Parole
Jail
State Prison
On Bond
Juvenile Court Supervision

CURRENT OFFENSE

NO. 1	OF 4	Docket No.: Charge (1): 19000756-01-FC	Last Name: Smith	
PACC Code 750.520B	Offense Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)	Max	Consecutive Sentence No	
Victim / Relationship Boike, Carli - No Relationship		Codefendant(s) None		
Circuit 03rd Circuit Court - Wayne County	Judge Bridget Mary Hathaway	Attorney		Retained / Appointed
Method of Conviction Nolo Contendere	Date of Offense 10/12/1997	Date of Arrest 01/09/2019	Date of Bond 01/09/2019	Date of Conviction 04/18/2019
		Jail Credit 113	Guilty But Mentally Ill No	

DISPOSITION

Sentence Type		Sentence Date		CTN 821872216301		Fine		Cost		Restitution	
MINIMUM			MAXIMUM			LIFE		JAIL		Supervision Fees	
Years	Months	Days	Years	Months	Days			Months	Days	Crime Victims Assessment	
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees		
Sentencing Guidelines						LIFE		NA		Prior Record Total	
RANGE		Low: 240		High: 480				65		Offense Variable Total 100	
Comments:											

Smith, Derrick Lee - 267009
05/02/2019 10:57:24

36

CURRENT OFFENSE

NO. 2	OF 4	Docket No.: Charge (2): 19000756-01-FC				Last Name: Smith	
PACC Code 750.520B	Offense Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)				Max LIFE	Consecutive Sentence No	
Victim / Relationship Boike, Carli - No Relationship				Codefendant(s) None			
Circuit 03rd Circuit Court - Wayne County		Judge Bridget Mary Hathaway		Attorney [REDACTED]		Retained / Appointed [REDACTED]	
Method of Conviction Nolo Contendere	Date of Offense 10/12/1997	Date of Arrest 01/09/2019	Date of Bond 01/09/2019	Date of Conviction 04/18/2019	Jail Credit 113	Guilty But Mentally Ill No	

DISPOSITION

Sentence Type			Sentence Date			CTN 821872216301			Fine			Cost			Restitution		
MINIMUM			MAXIMUM			LIFE			JAIL			Supervision Fees			Crime Victims Assessment		
Years	Months	Days	Years	Months	Days		Months	Days									
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees								
Sentencing Guidelines																	
RANGE						LIFE			NA			Prior Record Total			Offense Variable Total		
Low:						High:			x								
Comments:																	

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
Offense Variable Total
MAY 3, 2019

CURRENT OFFENSE

NO. 3	OF 4	Docket No.: Charge (3): 19000756-01-FC				Last Name: Smith	
PACC Code 750.520B	Offense Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)				Max [REDACTED]	Consecutive Sentence No	
Victim / Relationship Boike, Carli - No Relationship				Codefendant(s) None			
Circuit 03rd Circuit Court - Wayne County		Judge Bridget Mary Hathaway		Attorney [REDACTED]		Retained / Appointed [REDACTED]	
Method of Conviction Nolo Contendere	Date of Offense 10/12/1997	Date of Arrest 01/09/2019	Date of Bond 01/09/2019	Date of Conviction 04/18/2019	Jail Credit 113	Guilty But Mentally Ill No	

DISPOSITION

Sentence Type			Sentence Date			CTN 821872216301			Fine			Cost			Restitution		
MINIMUM			MAXIMUM			LIFE			JAIL			Supervision Fees			Crime Victims Assessment		
Years	Months	Days	Years	Months	Days		Months	Days									
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees								
Sentencing Guidelines																	
RANGE						LIFE			NA			Prior Record Total			Offense Variable Total		
Low:						High:			X								
Comments:																	

CURRENT OFFENSE

NO. 4	OF 4	Docket No.: Charge (4): 19000756-01-FC				Last Name: Smith	
PACC Code 750.520B	Offense Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)				Max [REDACTED]	Consecutive Sentence No	

Smith, Derrick Lee - 267009
05/02/2019 10:57:24

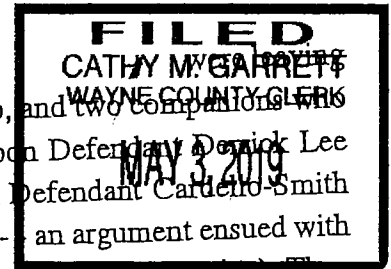
The following information was garnered from the Wayne County Prosecutor's Office Criminal Investigation Division's Investigator's Reports dated October 22, 2018, and updated May 2, 2019, per new plea and settlement agreement with the Defendant, Complainant, Wayne County Prosecutor's Office, and Michigan Attorney General's Office. This information and report stays in the electronic and paper file -- hard copy ved by any MDOC or other official per settlement agreement between all parties involved in the case, effective on May 2, 2019.

This case has multiple layers to it, and it involves separate incidents which are: Second Degree Murder - - With Special Circumstances - - Self-Defense.

The criminal sexual conduct is a different case and is not related to each other for scoring and sentencing purposes.

On July 8, 1997, Defendant Derrick Lee Cardello-Smith and his female companion, a movie theatre when they were approached by the now deceased victim, Cari Bishop, and two companions who were exiting a tavern on 8 Mile and Van Dyke in Detroit, MI. When they came upon Defendant Derrick Lee Cardello-Smith and his female companion who were leaving a movie theatre when Defendant Cardello-Smith and his girlfriend bumped into each other at the corner of the parking lot and building - an argument ensued with the three men becoming enraged that the Defendant was with a woman of the opposite race (Caucasian). They started yelling obscenities to the Defendant and his companion. Defendant was attempting to keep the matter from getting more aggressive, when according to witnesses, two of the men started fighting with Defendant Cardello-Smith, who then saw that his female companion was being attacked physically by one assailant, Carl Bishop (decedent). Cardello-Smith injured two of the men he was fighting, then ran over to the decedent, Carl Bishop who had pulled a knife on the female companion and was going to assault her with the knife. Defendant caught the decedent by his wrist and while they were grappling, Cardello-Smith then fell on top of the victim Carl Bishop, and the weapon had penetrated the assailant's/decedent's lungs. Defendant then was heard saying "Now you're going to die in a filthy parking lot with your own weapon in your chest" - - the victim was rushed to Emergency Care at St. Johns Hospital where he was kept in intensive care for two weeks, before he succumbing to his injuries. Two weeks later Cardello-Smith was taken into custody for 2nd Degree Murder and was sentenced to Parolable Life.

While in custody, and while representing himself, Defendant obtained an Appeal. Defendant then entered a Plea of No-Contest to a number of years and was given a new conviction from a sexual assault case that occurred in January 2008, while the Appellant was out on bond pending his original appeal.

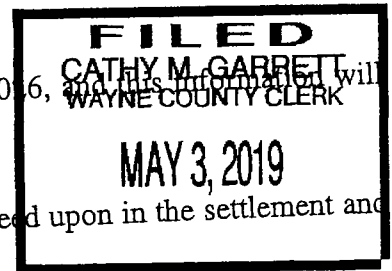


See police report for full description of the crime as required by new settlement as to the sex crime, which Appellant successfully appealed in January 2019. Defendant is now before this court to be resentenced and has in fact taken a No-Contest Plea for the vacating and dismissal of six (6) counts of Criminal Sexual Conduct, 1st Degree (Adult); and two (2) counts of Kidnapping in January 2008. Please see Supplemental Incident report from the Detroit Police Department.

The terms of the sentence and new agreement are; twenty-five (25) years to thirty-five (35) years; no habitual, and a full dismissal of the Criminal Sexual Conduct Charges with the active sentence being second-degree murder. This new sentence takes effect upon the signing of the final Cobbs evaluation and all parties agreeing. Therefore, OTIS (Offender Tracking Information System) will reflect the criminal sexual conduct until the case is resolved-per the agreement between all parties.

The new sentence is the active sentence and will take active sentence status in 2016, and this information will remain in the file record until court approved.

Any party or agency removing this from the file will be subject to liability as agreed upon in the settlement and stipulation between all parties.



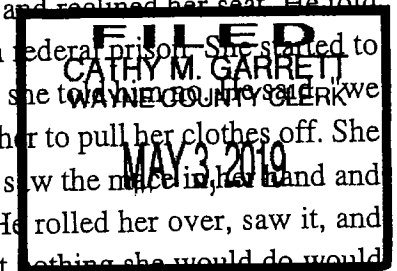
Defendant currently will receive a wrongful conviction settlement at \$50,000.00 for each year on the Counts of Criminal Sexual Conduct upon final settlement for the 1997 and 2008 cases per agreement. not subject to forfeiture by the State Correction's Reimbursement Act per the agreed upon amount already paid to the STATE OF MICHIGAN (agreement not provided per privacy laws) - - Three Million, Six-Hundred thousand, dollar settlement will be released to Defendant upon the final resolution of the criminal sexual conduct case, which is currently under review by the parties of Wayne County Prosecutor's Office, Michigan Attorney General's Office, and the Defendant, upon release from the custody of the Michigan Department of Corrections, or an heir or spouse is named by defendant

Sexual Offense Encounter Description

The following information was garnered from the Wayne County Prosecutor's Office Criminal Investigations Division Investigator's Report, dated 10/22/18:

On 10/12/97, Carli Boile reported to Detroit Police Officers she was sexually assaulted. She stated she had stopped at Shell Gas Station near 8 Mile and Schoenherr in the City of Detroit. As she was waiting to pull out into traffic, an unknown male jumped into her car and forced her to drive to an unknown location. Once there, he forced her into the backseat and sexually assaulted her. She stated she got off work at the Club between 2:30 and 3:30 am.

A guy walked by and asked if she could give him a ride home and said he just got out of jail. She told him, "no", and went into the Shell Gas Station at 9 Mile and Regent. After getting gas, she was about to light a cigarette while waiting to pull out of the parking lot. The same guy got into her vehicle and told her to drive. She told him to get out, and he told her to shut up and drive, and said his mom lives on Carlisle and to take him there. While driving he told her, "oh yeah, He told her to take him to a friend's house and was giving her directions that took them to an alley. The last street she recalled seeing was Alcoy. He said he was waiting for his friend to get home. He told her to turn the car off and it was a bad neighborhood, so she does not want to wake anyone up. About 15 minutes later, she told him he was going to have to wait by himself and she was leaving. She went to turn the car on and the keys were gone. She did not notice the defendant had taken them. She asked of the keys and he told her no. She promised not to start the car and he gave her the keys. He started getting closer to her. Carli said she grabbed her mace and he did not notice. He locked the doors and reclined her seat. He told her they were going to have sex, and he had not had sex in years because he was in federal prison. She started to say, "lets' get a hotel room or something, "and he began pulling her pants down and she told him, "we are going to have sex right here and right now." He pulled her pants down and told her to pull her clothes off. She told him, "no", and he pulled her shirt over her head. She kept fighting him and he saw the mace in her hand and asked what it is. She told him it was nothing and tried to hide it underneath her. He rolled her over, saw it, and then threw it in the front seat. He told her she could mace him, fight with him, but nothing she would do would stop him and he could kill her right there. He put his penis inside of her vagina. He attempted to force his penis in her mouth. After the assault, he had her drive him to the gas station. He left when another patron started paying attention to Carli. She said she was speaking very loudly trying to get him out of her vehicle. She described him as black or Puerto Rican, and indicated he had long hair tied back in a ponytail.



A group founded by the National Institute of Justice was formed to address the issue of sexual assault kits that were not tested in Detroit. This kit was tested in 2015, and the DNA obtained from the kit matched the defendant's.

On 10/11/2018, the victim was re-interviewed and stated she was working at Player Night Club and went to the gas station after work to get gas. She recalled the same circumstances as to how he got into her car. She added once he got in the car she said, "what do you need, you can go get drugs. He said, "Yeah, drive me there and I can go get drugs," I can't remember the street. He had me pull in the ally end and stopped and there was a house kitty corner with a light on. He said we gotta wait. I started to believe that once he got out, I'd be able to get away.

Marital Update

The Defendant is a single widowed male. His wife passed away from natural causes. His son passed away in a traffic accident while on his way to visit the Defendant in 2010 due to a Drunk Driver. Defendant has a son-in-law named James Preston and a daughter who resides in France named Bridgette Marie Preston—His other family

ties are four brothers and two sisters which he supports and has contact with. Defendant's mother, Rhonda Smith is deceased by natural causes in 2011. Defendant's father, Raymond Cardello-Smith died of natural causes when Defendant was nine-years old.

Education Update

Writer verified the Defendant obtained a High School Diploma from Notre Dame High School while serving in the United States Army. Defendant obtained an Associate's Degree from Wayne State University in Criminal Law, Civil Rights Litigation, Post-Conviction Proceedings, Appellate Law, and two Certificates of Completion from Blackstone School of Law and Blackstone Career Institute. Defendant is a 4th Degree Black Belt in Tae Kwon Doe as verified by United Take Kwon Doe School Instructor, Master San Kwu Shim. Defendant also has hand to hand training in Close Quarter Combat. While in the Special Branch of the US Army - - Per HYTA DIVERSION PROGRAM - - Defendant was discharged with an honorable status.

Financial Update

Defendant, as noted above, has cooperated with release of financial information and assets. Defendant has a Settlement Agreement with the Michigan Department of Attorney General; The Wayne County Prosecutor's Office; and Defendant himself, where the Jurisdiction over his finances from the wrongful convictions for the ten (10) counts of criminal sexual conduct; two (2) counts of kidnapping under the WRONGFUL CONVICTION CLAMS ACT at the rate of \$50,000.00 for each year of December 1997, thru May 2019 which will be available upon his release on the second-degree murder charge, and new second-degree murder sentence when the case is resolved in civil litigation where defendant is representing himself. This Money is not subject to the State Corrections Reimbursement Act under the Cobb's agreement and settlement between MDOC, WCPA magistrate, and Defendant.

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

MAY 3 2019



/SE



HOMICIDE INCIDENT REPORT

REPORTING AGENCY: DETROIT POLICE DEPARTMENT
CASE REPORT NUMBER: 0801130106.1

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

police

REPORTED ON JULY 8, 1997 12:45AM OCCURRED ON JULY 24, 1997, 10:09PM
AT EAST 8 & VAN DYKE ROADS-DETROIT, MI SCA/CENSUS:10:09pm SECTOR A

MAY 3, 2019

OFFENSE:HOMICIDE-SPECIAL CIRCUMSTANCES-MURDER:OFFENDER IS A REGISTERED ~~SKLE-~~
DEFENSE EXPERT WITH TRAINING IN MARTIAL ARTS & HAND-TO-HAND COMBAT-OFFENSE
HIGHTENED--BY INTENTIONAL OVERKILL & INTENTIONAL OVERUSE OF DEFENSE TACTICS-
OFFENDER KNEW 3 ASSAILANTS WERE CIVILIANS & NOT TRAINED COMBATANTS

1. ARRESTEE: DERRICK LEE CARDELLO-SMITH:AGE:24SEX:MALE:RACE:BLACK-ITALIAN-MEX-
ADDRESS:-----DETROIT, MI 48226--Phone:-----

2. HOMICIDE VICTIM: CARL BISHOP: AGE:47:SEX:MALE:RACE:CAUCASIAN/WHITE -No
Relationship to Suspect/Offender

3. ASSAULT VICTIM: ROBERT GUNTER: AGE:53:SEX:MALE:RACE:CAUCASIAN/WHITE NO
Relationship to Suspect/Offender

4. ASSAULT VICTIM: DAVID BROCK: AGE:44: SEX:MALE:RACE:CAUCASIAN/WHITE No
relationship to Suspect/Offender

OFFENSE DESCRIPTION: On July 7, 1997, Suspect DERRICK LEE CARDELLO-SMITH, Age 24, and His Girlfriend, ----- Age 20, were leaving the AMC Movie Theater on 8 Mile & Van Dyke Roads in Detroit, Michigan when the 2 were approached by three Strangers known now as the above three named Victims. The Deceased Victim CARL BISHOP and his two friends were leaving a Tavern/Bar, when they came upon Derrick Lee Cardello-Smith & his Girlfriend were heading to their car in the parking Lot and then passed the three Men who made comments about the pair being an "Interracial Couple" and words were then exchanged--an Argument ensued between all the men involved with the Leader, Carl Bishop becoming Enraged that the Suspect was with a woman of the Opposite Race-She is Caucasian and Needs to stay within her own race, the three men were saying. The Trio Started yelling obscenities at Cardello-Smith and his Girlfriend. OJ KILLED HIS WOMAN so what this Nigger Here your with!

Offender Cardello-Smith was attempting to keep the matter from getting more aggressive, when, according to witnesses and bystanders, two of them men started fighting with Cardello-Smith, who saw that the Third Male, Carl Bishop was physically attacking his Girlfriend, by slapping her and calling her a "Nigger-Lover" and "Race Traitor".

Cardello-Smith was still engaged in fighting Gunter & Brock, when his Girlfriend then yelled out, "Derrick Help!", Derrick then saw her and saw that the (Decedent) Carl Bishop had in fact possessed a Sharp Edged Weapon and/or knife and was about to Stab Derrick's Girlfriend while the other 2 Men were keeping Derrick Busy and they were laughing, and then, the next thing, Offender Cardello-Smith broke Gunter's Arm, Broke the Leg of Mr. Brock, immobilizing both parties and Cardello-Smith then Ran and Intercepted the knife by placing His Own Arm in between the Weapon and his Girlfriends Upper Torse and then, the knife penetrated Mr. Cardello-Smith's Right Forearm, and then, Cardello-Smith grabbed Carl Bishops Wrist and Pulled the knife out of his arm and forced it into the Lungs of the Remaining Assailant, Carl Bishop, Offender was heard saying to the now deceased Victim "You do not like Interracial Couples! "You were going to Stab my Girl! 'Now Your Going to Die ina Filthy Parking Lot with Your Own Knife in your chest!"And then, Cardello-Smith Punch the Victim Carl Bishop 17 times and then the pair "Fell" to the ground... Cardello-Smith then told the Victim, "You should have let this go and just left us alone!" Die where you are YOU Racist Bitch!"

Derrick then went to the other 2 pair that were immobilized and proceeded to kick them and break other bones on their bodies until he was subdued by Officers who arrived on Scene.-The Victim Carl Bishop was taken to Emergency Care at St. Johns Hospital where he succumbed to his injuries 2 weeks later---Derrick Cardello-Smith was taken in to custody for Open Murder.

Arrestee Transported to 9th Precint-Eastern District for holding and processing pending Charges Review by Detectives Jose' Ortiz & David Cobb



SUPPLEMENTAL INCIDENT REPORT

REPORTING AGENCY: DETROIT POLICE DEPARTMENT

CASE REPORT NUMBER : 0801130106.1

PRECINCT: SEX CRIMES UNIT

PHONE: 313-596-5540

REPORTED ON: January '13. 2008 12:00 am
 OCCURRED AT: F/O 13870 EDMORE DETROIT

OCCURRED ON: January 13, 2008 3:00 am

OCCURRED BETWEEN: January 13, 2008 6:20 am

SCA/CENSUS: 051, DETROIT 5, DET

FILED
CATHY M. GARRETT
 WAYNE COUNTY CLERK

MAY 3, 2019

OFFENSE: CSC 1ST DEGREE -PENETRATION PENIS/VAGINA

CODE: 1100

1. ARRESTEE: DERRICK SMITH

AGE: 35 SEX: MALE RACE: BLACK

ADDRESS: [REDACTED]

Phone Hm: [REDACTED]

2. VICTIM: LISA BOMMARITO

AGE: 31 SEX: FEMALE RACE: WHITE

ADDRESS: [REDACTED]

Phone Hm: [REDACTED]

Relationship to (1): relationship unknown

3- VICTIM: ANDREA BOMMARITO

AGE: 21 SEX: FEMALE RACE: WHITE

ADDRESS: [REDACTED]

Phone Hm: [REDACTED]

Relationship to (1): relationship unknown

4. WITNESS: DAVID COBB

AGE: unknown SEX: MALE RACE: BLACK

ADDRESS: [REDACTED]

Phone Hm: [REDACTED]

Relationship to (1): relationship in the US Army together Cobb was Smith's Commander

WITNESS NARRATIVE: SERGEANT DAVID COBB, DETROIT POLICE DEPARTMENT WAS PRESENT DURING THE ASSAULT. TINA BOMMARITO IDENTIFIED SERGEANT COBB AS HAVING A GUN TO ARRESTEE DERRICK SMITH'S HEAD AND FORCED ARRESTEE SMITH TO ACKNOWLEDGE AND CLAIM HE WOULD RAPE THEM BOTH AND SERGEANT COBB FORCED ARRESTEE SMITH TO ACT AS THOUGH A RAPE TOOK PLACE. ARRESTEE SMITH WRESTLED SERGEANT COBB'S SERVICE REVOLVER FROM COBB AND DISCHARGED A ROUND INTO COBB'S PROTECTIVE VEST. ARRESTEE SMITH WAS ABLE TO SAVE SECONDARY WITNESS KATHY PRESTON FROM COBB..

WEAPON USED: PERSONAL WEAPONS (HANDS, FEET, TEETH, ETC.)

TOTAL PROPERTY VALUE: NONE

REPORTING OFFICER: P.O. NICOLE RABIOR COMMAND: 5TH/EASTERN DISTRICT POS

VERIFIED BY: SGT. ELMER FELTON COMMAND: 5TH/EASTERN DISTRICT

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0801130106
Report No. 0801130106.3
Report Date: 1/13/2008

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

Page 1 of 4

MAY 3, 2019

Subject: 05-05-ED 12 CSC 1 ARR

Case Report Status S - SUBMITTED
County 82 - WAYNE
City/Township 99 - DETROIT

Date Entered 1/13/2008 8:04:50 PM
Entered By 234406 - ORTIZ, JOSE

Reporting Officer
236839 - KNIGHT, JERRY

Assisted By
237145 - RABIOR, NICOLE

Assist Agency

Occurred On 1/13/2008 3:00:00 AM
(and Between) 1/13/2008 6:20:00 AM
Location F/O 13870 EDMORE
CSZ DETROIT, MI 48205
Census/Geo Code 5003
Grid E1 - 0501
Call Source CAD/DISP

Date Verified
Verified By
Date Approved
Approved By
Connecting Cases
Disposition ARREST
Tactical Actions
Clearance Reason
Date of Clearance
Reporting Agency
Division
Notified

DETROIT POLICE DEPARTMENT
5th/Eastern District
CIB-MILES SEX CRIMES ORTIZ N/C
SGT WALKER ED DESK SGT
DECKER

Vehicle Activity
Vehicle Travelling

Cross Street

Means
Other Means
Motive
Other Motives

Report Narrative PO JOSE ORTIZ 4049 SEX CRIMES CODE 3510 WINTER FURLOUGH TAKEN.

WRITER IS THE OFFICER IN CHARGE OF SEX CRIME CASE 08-48 INVOLVING THE ARREST OF DEFENDANT DERRICK LEE SMITH BM 35. WRITER INTERROGATED THE OFFENDER WHO REFUSED TO SIGN HIS RIGHTS FORM BUT AGREED TO VERBALLY GIVE WRITER HIS VERSION OF THE EVENTS INVOLVING THE VICTIMS, TINA AND ANDREA BOMMARITO. MR. SMITH STATED TO WRITER THAT HE MET TINA BOMMARITO AT THE OSLO BAR A WEEK AGO AND WAS TOLD TO MEET HER AT THE SAME BAR THIS MORNING. MR. SMITH STATES THAT HE MET BOTH COMPLAINANTS AT THE BAR AND THAT HE BOUGHT THEM DRINKS AND PARTIED WITH THEM UNTIL 3:00AM. MR. SMITH STATES THAT THE COMPLAINANTS OFFERED HIM A RIDE HOME AND THAT THEY CONSENTED TO HAVING SEX WITH HIM IN TINA'S CAR. MR. SMITH STATES THAT TINA IS A DOMINATRIX WHO ORDERED HIM AT KNIFEPOINT TO HAVE SEX WITH TINA AND HER SISTER. MR. SMITH STATES THAT HE WAS TOLD BY TINA TO EJACULATE INSIDE OF HER SO THAT SHE COULD HAVE A "NIGGER" BABY SO THAT SHE COULD GET BACK AT HER BOYFRIEND. MR. SMITH STATES THAT BOTH COMPLAINANTS WERE PERFORMING CUNNILINGUS ON EACH OTHER WHILE HE WAS HAVING SEX WITH HIM. WHEN CONFRONTED ABOUT THE POLICE DISPATCHER HEARING HIS THREATS TOWARDS THE VICTIMS MR. SMITH RESPONDED THAT HE WAS TOLD BY THE GIRLS TO SAY THOSE THINGS. MR. SMITH ALSO STATES THAT THE VICTIMS WERE PLANNING ON KILLING HIM. MR. SMITH ALSO STATED THAT HE HAS TINA'S BUSINESS CARD IN HIS PROPERTY. WRITER CHECKED THE PROPERTY AND DID FIND TINA BOMMARITO'S BUSINESS CARD CLASSIFYING HERSELF AS A MASSEUSE. TINA INFORMED WRITER THAT SHE DID GIVE HIM HER CARD AT THE BAR WHEN THEY INITIALLY MET. MR. SMITH REFUSED TO WRITE ANYTHING DOWN STATING HE SERVED 10 YEARS IN PRISON FOR CSC 3 BASED ON STATEMENTS HE WROTE TO THE DETECTIVES ON HIS PREVIOUS CASE IN 1997.

Offense Detail: 1171 - CSC 1ST DEGREE -PENETRATION PENIS/VAGINA

Offense Description	1171 - CSC 1ST DEGREE -PENETRATION PENIS/VAGINA		
IBR Code	11A - FORCIBLE RAPE	Location	13 - HIGHWAY/ROAD/ALLEY
IBR Group	A	Offense Completed?	YES
Crime Against	PE	Hate/Bias	00 - NONE (NO BIAS)
Offense File Class	11001 - SEXUAL PENETRATION PENIS/VAGINA -CSC 1ST DEGREE	Domestic Violence	NO
PAGC		No. Prem. Entered	
Local Code		Entry Method	
		Type Security	
Using		Tools Used	
Criminal Activity			
Weapons	40 - PERSONAL WEAPONS (HANDS, FEET, TEETH, ETC.)		

Suspect S1: SMITH, DERRICK LEE

Suspect Number S1
Name SMITH, DERRICK LEE

DOB
Age 35

Place of Birth
SSN

Printed For:
Printed: January 13, 2008 - 8:26 PM

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0801130106
Report No. 0801130106.3
Report Date: 1/13/2008

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

Page 3 of 4

MAY 3, 2019

Notified

Adult Present

Held or

Arrest Notes

Victim V1: BOMMARITO, TINA

Victim Code V1
Victim Type I - INDIVIDUAL

Victim Of 1171 - CSC 1ST DEGREE -PENETRATION PENIS/VAGINA

Name BOMMARITO, TINA

AKA

Alert(s)

Address

CSZ

Home Phone

Work Phone

DOB

Age 31

Sex F - FEMALE

Race W - WHITE

Ethnicity U - UNKNOWN

HL

WL

Eye Color

Hair Color

Facial Hair

Place of Birth

SSN

DLN

DLN State

DLN Country

Occupation/Grade

Employer/School

Res. County

Res. Country

Resident Status

S - RESIDES IN THE
STATE BUT NOT THE
COUNTY OR
COMMUNITY WHERE
THE OFFENSE
OCCURRED

Attire

Injury

Circumstances

M - APPARENT MINOR INJURY

Complexion

Testify

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
	Other ORI

Justifiable Homicide
Circumstances

Victim Offender Relationships

Offender Relationship
A1 99 - RELATIONSHIP UNKNOWN
S1 99 - RELATIONSHIP UNKNOWN

Victim Notes

Victim V2: BOMMARITO, ANDREA

Victim Code V2
Victim Type I - INDIVIDUAL

Victim Of 1171 - CSC 1ST DEGREE -PENETRATION PENIS/VAGINA

Name BOMMARITO, ANDREA

AKA

Alert(s)

Address

CSZ

Home Phone

Work Phone

DOB

Age 21

Sex F - FEMALE

Race W - WHITE

Ethnicity U - UNKNOWN

HL

WL

Eye Color

Hair Color

Facial Hair

Place of Birth

SSN

DLN

DLN State

DLN Country

Occupation/Grade

Employer/School

Res. County

Res. Country

Resident Status

S - RESIDES IN THE
STATE BUT NOT THE
COUNTY OR
COMMUNITY WHERE
THE OFFENSE
OCCURRED

Attire

Injury

Circumstances

M - APPARENT MINOR INJURY

Complexion

Testify

45

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0801130106
Report No. 0801130106.3
Report Date: 1/13/2008

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

Page 2 of 4

MAY 3, 2019

AKA
Alert(s)

Address
CSZ

Home Phone
Work Phone

Sex M - MALE
Race B - BLACK
Ethnicity U - UNKNOWN
HL
WL
Eye Color
Hair Color
Hair Style

DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Res. County
Res. Country
Resident Status

R - RESIDENT OF THE
COMMUNITY, CITY,
OR TOWN WHERE
THE OFFENSE
OCCURRED

Hair Length
Facial Hair
Complexion
Build
Teeth

Scars/Marks/Tattoos
Suspect MO
Other MO
Allie
Habitual Offender
Status

Suspect Notes

Arrestee A1: SMITH, DERRICK LEE

Arrestee Number A1
Name SMITH, DERRICK LEE
AKA
Alert(s)

Address
CSZ

Home Phone
Work Phone

DOB [REDACTED]
Age 35
Sex M - MALE
Race B - BLACK
Ethnicity U - UNKNOWN
Ht. 5' 10"
WL 170
Eye Color
Hair Color
Hair Style

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Res. County
Res. Country
Resident Status

R - RESIDENT OF THE
COMMUNITY, CITY,
OR TOWN WHERE
THE OFFENSE
OCCURRED

Hair Length
Facial Hair
Complexion LBR - LIGHT BROWN
Build S - SMALL
Teeth

Scars/Marks/Tattoos
Modus Operandi
Other MO
Allie
Habitual Offender
Status

Arrest No. 116081
Arrest Type T - TAKEN INTO CUSTODY
Force Level 01 - LEVEL 1
FBI No.
State No.
Armed With 01 - UNARMED
Multi. Clearance N - NOT APPLICABLE
Multi. Clearance
Offense
Prev. Suspect No. 1

Arrested For 1171 - CSC 1ST DEGREE -PENETRATION PENIS/VAGINA
Count
Fingerprints
Photos
Miranda Read
Miranda Waived
Number of Warrants

Arrested On 1/13/2008 6:30:00 AM
Arrest Location 13870 EDMORE
Booked On
Booked Location
Released Location
Released On
Released By
Release Reason

Juvenile Disposition

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0801130106
Report No. 0801130106.3
Report Date: 1/13/2008

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

Page 4 of 4

MAY 3, 2019

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
Other ORT	

Justifiable Homicide
Circumstances

Victim Offender Relationships

Offender	Relationship
A1	99 - RELATIONSHIP UNKNOWN
S1	99 - RELATIONSHIP UNKNOWN

Victim Notes

87

Plaintiff EXHIBIT #2

LAW OFFICES OF DAVID L. MOFFITT & ASSOCIATES

ATTORNEYS AND COUNSELORS AT LAW

THE BINGHAM CENTER

30800 TELEGRAPH ROAD, SUITE 1705

BINGHAM FARMS, MICHIGAN 48025

TELEPHONE (248)-644-0880

FACSIMILE (248)-307-9545

DLMOFFITTASSOC@AMERITECH.NET

VISIT US ON THE WEB AT WWW.LAWYERMOFFITT.COM

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

MAY 3, 2019

November 3, 2022

Derrick Smith #267009
Ionia Correctional Facility
1576 W. Bluewater Highway
Ionia, MI 48846

Re: *FOIA Documents*

Dear Mr. Smith:

Please find enclosed the FOIA documents that we received on your behalf from the Wayne County Prosecutor's Office. Anything within these sets of documents that have been redacted were done so by Wayne County. Thank you.

Yours truly,

Patrick Kinney
Chief of Legal Staff/Chief Paralegal
LAW OFFICES OF DAVID L. MOFFITT
& ASSOCIATES, PLLC



CONSTITUTIONAL RIGHTS CERTIFICATE OF NOTIFICATION

Derrick Lee Smith
B/M/35

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

MAY 3, 2019

I understand that:

- 1. I have a right to remain silent and that I do not have to answer any questions put to me or make any statements.
- 2. Any statement I make or anything I say will be used against me in a Court of Law.
- 3. I have the right to have an attorney (lawyer) present before and during the time I answer any questions or make any statement.
- 4. If I cannot afford an attorney (lawyer), one will be appointed for me without cost by the Court prior to any questioning.
- 5. I can decide at any time to exercise my rights and not answer any questions or make any statement.

I understand that these are my rights under the Law. I have not been threatened or promised anything, and I now desire and agree to answer any questions put to me or to make a statement.

In the presence of:

WITNESS

SIGNATURE

WITNESS

DATE

TIME

- ☐ This certificate of notification was read to the suspect, and he/she had an opportunity to read it. Further, the suspect was given an opportunity to ask any questions that he/she might have concerning this certificate and his/her rights.
- ☐ Suspect is illiterate. He/she has had the rights under the law, as defined above, explained to him/her, and has agreed to answer questions or make a statement.
- ☐ Suspect can read and write. The rights, as defined above, have been explained to him/her, and he/she has agreed to make a voluntary statement but has refused to sign this certificate.

REMARKS:

Refused to sign.

1/13/08
DATE

10:50 AM
TIME

OFFICER

PCT./SECTION

PLACE

OFFICER

PCT./SECTION



HOMICIDE REPORT

AMENDED

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
MAY 27, 1998

REPORTING AGENCY: DETROIT POLICE DEPARTMENT
CASE REPORT NUMBER: 0811306.1

REPORTED ON JULY 24, 1997 00:45AM OCCURRED ON JULY 8, 1997
AT EAST 8 MILE & VAN DYKE ROADS-DETROIT, MI SCA/10:09PM SECTOR A 9TH

OFFENSE:HOMICIDE-SPECIAL CIRCUMSTANCES-MURDER:OFFENSE IS A REGISTERED SELF-
DEFENSE EXPERT WITH TRAINING IN MARTIAL ARTS 7 HAND-TO-HAND COMBAT-OFFENSE
HIGHTENED--BY INTENTIONAL OVERKILL & INTENTIONAL OVERUSE OF DEFENSE TACTICS-
OFFENDER KNEW THAT THE 3 ATTACKERS WERE CIVILIANS & NOT TRAINED COMBATANTS

1. ARRESTER: DERRICK LEE CARDELLO-SMITH:AGE:24SEX:MALE:RACE:BLACK-ITALIAN-MEX-
ADDRESS:-----DETROIT, MI 48205-26--Phone -----

HOMICIDE VICTIM/ATTACKER:CARL BISHOP:AGE 47:SEX:MALE-RACE:CAUCASIAN/WHITE- No
Relationship to Suspect/Offender--

3. ASSAULT VICTIM/ATTACKER:ROBERT GUNTER:AGE:53:SEX:MALE-RACE:CAUCASIAN/WHITE-
No Relationship to Suspect/Offender

4. ASSAULT VICTIM/ATTACKER:DAVID BROCK: AGE:\$\$:SEX:MALE-RACE:CAUCASIAN/WHITE-
No Relationship to Suspect/Offender

OFFENDER DESCRIPTION: On or About July 7/8, 1997, Suspect DERRICK LEE CARDELLO-SMITH, Age 24, and His Female Companion age 20, were leaving the AMC Movie Theater on 8 Mile & Van Dyke Roads in Detroit, MI when the 2 were approached by Three Strangers known now as the above Three Named Victim/Attackers. The deceased Victim CARL BISHOP and his 2 friends were leaving a Tavern/Bar Adjacent to the Theater when they came upon Derrick Lee Cardello-Smith and his Girlfriend heading to their Car (1997 Chevy Camaro Z-28) and as they passed by the 3 Victims/Attackers, Comments were made about the pair being an "Interacial-Couple" and words were exchanged--An argument ensued between all Men with the Leader, Carl Bishop becoming enraged that the Suspect was with a "Woman of the Opposite Race!" hat she is White and Needs to 'Stay within Her own Race". The Trio them Started Yelling to Offender Cardello-Smith that "O.J. KILLED HIS WOMAN, so Will this Nigger Your With!"

Offender Cardello-Smith was attempting to keep the matter from getting more aggressive, when, according to Witnesses and bystanders, two of the three men started fighting Cardello-Smith, who saw the Third Mail, Carl Bishop was physically attacking his Girlfriend by slapping her with his Hand to face contact, and calling her a "Nigger-Lover" and "Race Traitor!"

Cardello-Smith was still Engaged with Gunter & Brock when his Girlfriend yelled out, "Derrick Help!", Derrick then saw her and saw that the (Decedent) Carl Bishop had in fact Brandished a Sharp Edged Weapon and/or Knife and was about to Stab his Girlfriend while the Other 2 Men were keeping Derrick Busy and they were Laughing, and then, According to Witnesses, Cardello-Smith broke Gunter's Arm, Broke the Leg of Brock, immobilizing them both and Cardello-Smith then Ran & Intercepted the knife by Placing His Own Arm in between the Blade of the Weapon and His Companions Body/Upper torso, the Knife then Penetrated Cardello-Smith's Right Forearm and Cardello-Smith grabbed Carl Bishop's Wrist Pulling the Knife out and Forced it into the Lungs of the remaining Victim/Attacker Carl Bishop. Offender Cardello-Smith was then heard saying "You were going to Stab my Date! Now Your Going to Die in a Filthy Parking Lot, You should have Just Let us Be!" "Die Where You Are You Racist Bitch!" Cardello-Smith then went to his Companion who was Shaken.

Derrick then Went to the Other 2 Pair that were already immobilized and proceeded to Kick them and Fracture other parts of their bodies until he was Subdued by Officers who arrived on Scene--The Victim Carl Bishop was taken to Emergency Triage at St. Johns Hospital where he Succumbed to his Injuries 2 Weeks later--Cardello-Smith was then taken into Custody for Open Murder.

Arrestee transported to 9th Precinct for Holding/Charging Purposes review by Detective Jose' Ortiz and Sgt. David Cobb.



HOMICIDE INCIDENT REPORT

REPORTING AGENCY: DETROIT POLICE DEPARTMENT
CASE REPORT NUMBER: 0801130106.1

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

police

REPORTED ON JULY 8, 1997 12:45AM OCCURRED ON JULY 24, 1997, 10:09PM
AT EAST 8 & VAN DYKE ROADS-DETROIT, MI SCA/CENSUS:10:09pmSECTOR A

MAY 3, 2019

OFFENSE:HOMICIDE-SPECIAL CIRCUMSTANCES-MURDER:OFFENDER IS A REGISTERED SKLE-
DEFENSE EXPERT WITH TRAINING IN MARTIAL ARTS & HAND-TO-HAND COMBAT-OFFENSE
HIGHTENED--BY INTENTIONAL OVERKILL & INTENTIONAL OVERUSE OF DEFENSE TACTICS-
OFFENDER KNEW 3 ASSAILANTS WERE CIVILIANS & NOT TRAINED COMBATANTS

1. ARRESTEE: DERRICK LEE CARDELLO-SMITH:AGE:24SEXMALE:RACE:BLACK-ITALIAN-MEX-
ADDRESS: [REDACTED] -DETROIT, MI 48226--Phone [REDACTED]
2. HOMICIDE VICTIM: CARL BISHOP: AGE:47:SEX MALE RACE CAUCASIAN/WHITE -No
Relationship to Suspect/Offender
3. ASSAULT VICTIM: ROBERT GUNTER: AGE:53:SEX MALE:RACE CAUCASIAN/WHITE NO
Relationship to Suspect/Offender
4. ASSAULT VICTIM: DAVID BROCK: AGE:44: SEX:MALE:RACE CAUCASIAN/WHITE No
relationship to Suspect/Offender

OFFENSE DESCRIPTION: On July 7, 1997, Suspect DERRICK LEE CARDELLO-SMITH, Age 24, and His Girlfriend, [REDACTED] Age 20, were leaving the AMC Movie Theater on 8 Mile & Van Dyke Roads in Detroit, Michigan when the 2 were approached by three Strangers known now as the above three named Victims. The Deceased Victim CARL BISHOP and his two friends were leaving a Tavern/Bar, when they came upon Derrick Lee Cardello-Smith & his Girlfriend were heading to their car in the parking Lot and then passed the three Men who made comments about the pair being an "Interracial Couple" and words were then exchanged--an Argument ensued between all the men involved with the Leader, Carl Bishop becoming Enraged that the Suspect was with a woman of the Opposite Race-She is Caucasian and Needs to stay within her own race, the three men were saying. The Trio Started yelling obscenities at Cardello-Smith and his Girlfriend. OJ KILLED HIS WOMAN so what this Nigger Here your with!

Offender Cardello-Smith was attempting to keep the matter from getting more aggressive, when, according to witnesses and bystanders, two of them men started fighting with Cardello-Smith, who saw that the Third Male, Carl Bishop was physically attacking his Girlfriend, by slapping her and calling her a "Nigger-Lover" and "Race Traitor".

Cardello-Smith was still engaged in fighting Gunter & Brock, when his Girlfriend then yelled out, "Derrick Help!", Derrick then saw her and saw that the (Decedent) Carl Bishop had in fact possessed a Sharp Edged Weapon and/or knife and was about to Stab Derrick's Girlfriend while the other 2 Men were keeping Derrick Busy and they were laughing, and then, the next thing, Offender Cardello-Smith broke Gunters Arm, Broke the Leg of Mr. Brock, immobilizing both parties and Cardello-Smith then Ran and Intercepted the knife by placing His Own Arm in between the Weapon and his Girlfriends Upper Torse and then, the knife penetrated Mr. Cardello-Smith's Right Forearm, and then, Cardello-Smith grabbed Carl Bishops Wrist and Pulled the knife out of his arm and forced it into the Lungs of the Remaining Assailant, Carl Bishop, Offender was heard saying to the now deceased Victim "You do not like Interracial Couples! "You were going to Stab my Girl! 'Now Your Going to Die ina Filthy Parking Lot with Your Own Knife in your chest!"And then, Cardello-Smith Punch the Victim Car Bishop 17 times and then the pair "Fell" to the ground... Cardello-Smith then told the Victim, "You should have let this go andjust left us alone!" Die where you are YOU Racist Bitch!"

Derrick then went to the other 2 pair that were immobilized and proceeded to kick them and break other bones on their bodies until he was subdued by Officers who arrived on Scene.-The Victim Carl Bishop was taken to Emergency Care at St. Johns Hospital where he succumbed to his injuries 2 weeks later---Derrick Cardello-Smith was taken in to custody for Open Murder.

Arrestee Transported to 9th Precint-Eastern District for holding and processing pending Charges Review by Detectives Jose' Ortiz & David Cobb

Mr. Derrick Lee Cardello-Smith
267009
1576 W. Bluewater Highway
Ionia, MI 48846

Mailed on 12/4/23

Office of the Clerk
United States District Court
Eastern District Of Michigan
Theodore Levin US Courthouse
231 West Lafayette Boulevard
Detroit, MI 48226

U.S. MARSHALS

US POSTAGE

\$001.50⁰



US POSTAGE - MONEY ORDER
ZIP 48846 \$000.51⁰
02 4M 78850 DEC 04 2023

US POSTAGE

\$001.50⁰

